

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, September 10, 2009 3:30 P.M.
City Council Chambers
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF AUGUST 27, 2009, ZONING COMMITTEE MINUTES

OLD BUSINESS

- 1 09-089-752 Walgreens (Ford Parkway)**
Site plan review for a new Walgreen's Drug Store
2101 Ford Pkwy
B2
Tom Beach 266-9086

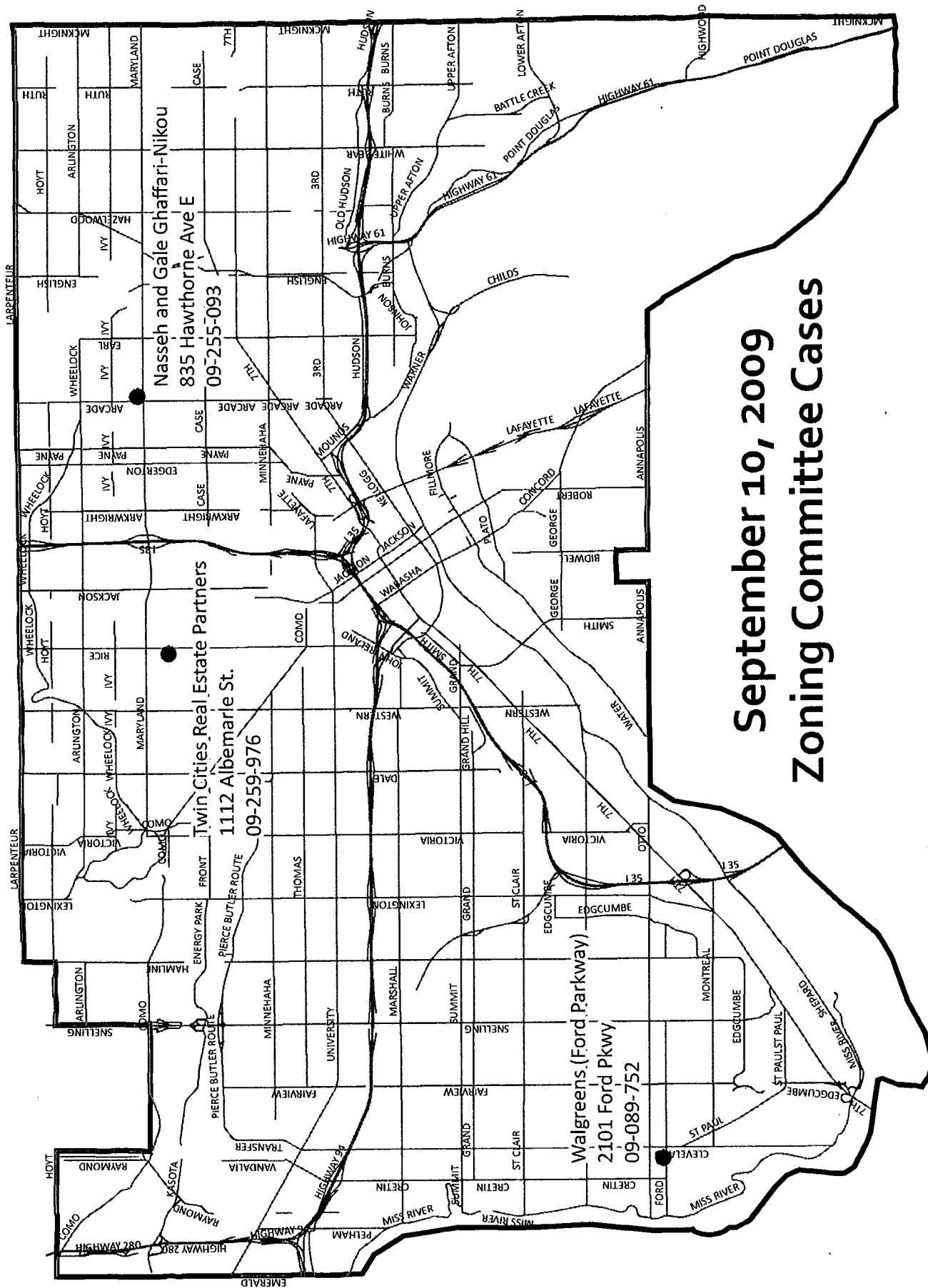
NEW BUSINESS

- 2 09-255-093 Nasseh and Gale Ghaffari Nikou**
Rezoning from R4 (single-family residential) to VP (vehicular parking)
835 Hawthorne Ave E, between Arcade and Mendota
R-4
Luis Pereira 651-266-6591
- 3 09-255-235 Vacharee Peterson WITHDRAWN BY APPLICANT**
Variance of required front yard setback for a parking lot (30 ft. required; 12 ft. proposed)
835 Hawthorne Ave E, between Arcade and Mendota
R-4
Luis Pereira 651-266-6591
- 4 09-259-976 Twin Cities Real Estate Partners**
Re-establishment of legal nonconforming use as a 4-plex
1112 Albemarle St, between Geranium & Jessamine
RT1
Emily Goodman 651-266-6551

ADJOURNMENT

ZONING COMMITTEE MEMBERS: Call Allan Torstenson at 266-6579 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.



September 10, 2009
Zoning Committee Cases



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

Date: 9/2/09
To: Zoning Committee
From: Tom Beach *TB*
RE: Walgreens at Ford and Finn: Site Plan and Updated Traffic Ttudy

At the last public hearing on Walgreens, the Zoning Committee had questions about the traffic impacts the proposed Walgreens would have on nearby streets. In particular they asked for more information about intersections at Ford/Cleveland and Ford/Cretin.

In response, Walgreens has submitted an updated Traffic Impact Statement dated August 14, 2009, prepared by Wenck Associates. The study concludes that "the proposed development has minimal impacts on traffic operations" at Ford/Cleveland and Ford/Cretin. It continues to recommend improvements to Finn to increase its capacity and limiting on-street parking on the north side of Ford in front of the site.

Staff from Saint Paul Public Works has reviewed the Traffic Impact Study and they "concur with the conclusions as to the impact of the development on the level of service of the area intersections that were analyzed...."

Attached are:

- Traffic Impact Study
- Public Works response memo
- Original staff report with site plan and photos

Traffic Impact Study for Walgreens

2111 Ford Parkway
St. Paul, MN

Wenck File #2271-03

Prepared for:

SEMPER DEVELOPMENT

Prepared by:

WENCK ASSOCIATES, INC.
1800 Pioneer Creek Center
P.O. Box 249
Maple Plain, Minnesota 55359-0249
(763) 479-4200

August 14, 2009



Table of Contents

1.0	EXECUTIVE SUMMARY	1-1
2.0	PURPOSE AND BACKGROUND.....	2-1
3.0	EXISTING CONDITIONS.....	3-1
4.0	TRAFFIC FORECASTS	4-1
5.0	TRAFFIC ANALYSIS	5-1
6.0	CONCLUSIONS AND RECOMMENDATIONS	6-1
7.0	APPENDIX.....	7-1

FIGURES

FIGURE 1	PROJECT LOCATION.....	2-2
FIGURE 2	CURRENT SITE PLAN.....	2-3
FIGURE 3	EXISTING CONDITIONS	3-3
FIGURE 4	WALGREENS DEVELOPMENT TRIPS	4-4
FIGURE 5	WEEKDAY AM PEAK HOUR TRAFFIC VOLUMES	4-5
FIGURE 6	WEEKDAY PM PEAK HOUR TRAFFIC VOLUMES.....	4-6
FIGURE 7	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE	5-4
FIGURE 8	WEEKDAY PM PEAK HOUR LEVEL OF SERVICE.....	5-5

1.0 Executive Summary

The purpose of this Traffic Impact Study is to evaluate the traffic impacts of the proposed Walgreens store located in St. Paul, MN. The project site is located in the northeast quadrant of the Ford Parkway/Finn Street intersection, as shown in **Figure 1**.

Based on direction from City of St. Paul traffic staff and a request by members of the zoning committee, this study examined traffic impacts of the proposed development on the following intersections:

- Ford Parkway/Finn Street
- Finn Street/Ramp Access
- Finn Street/Public Alley
- Ford Parkway/Cretin Avenue
- Ford Parkway/Cleveland Avenue

The proposed project consists of removing the existing vacant gasoline station and adjacent retail building and constructing a new 13,983 square foot Walgreens building with on-site surface parking. The proposed building consists of 9,483 square feet of retail space and 4,500 square feet of storage in the basement level, for a total area of 13,983 square feet.

The property has a total of four existing access driveways, two full-access driveways to Ford Parkway and two full-access driveways to Finn Street. The proposed plan reduces the number of access driveways by two, with one to Ford Parkway and one to Finn Street. The proposed access to Ford Parkway is restricted to right-in/right-out movements only. The project is expected to be complete in 2010.

The conclusions drawn from the information and analyses presented in this report are as follows:

- The proposed development is expected to generate 45 trips during the weekday AM peak hour, 118 trips during the weekday p.m. peak hour, and 1,260 weekday daily trips.
- The intersections of Finn Street/Ramp Access and Finn Street/Public Alley have adequate capacity with existing geometrics and control to accommodate the proposed development while maintaining acceptable levels of service.
- During the a.m. and p.m. peak hours under all study scenarios, all movements at the intersections of Ford Parkway/Cretin Avenue and Ford Parkway/Cleveland Avenue operate at a LOS D or better and the overall intersections operate at LOS C or better. The proposed development has minimal impacts on traffic operations at these intersections. No improvements are needed at these intersections to accommodate the proposed development.

- Based on the level of service analysis, queuing analysis results, and discussions with the City, the recommended lane configuration for the southbound approach of Finn Street is a southbound left turn lane and a southbound through-right turn lane. The existing roadway width of this segment is 29.5 feet face of curb to face of curb. The recommended width is 36 feet face of curb to face of curb. This width would accommodate a southbound 12 foot through-right turn lane, a 10 foot southbound dedicated left turn lane, and a 14 foot northbound lane.
- The transit shelter and bus stop located in the northeast quadrant of the Ford Parkway/Finn Street intersection have been incorporated into the proposed site plan.
- To improve sight lines between westbound vehicles on Ford Parkway and vehicles exiting the right-in/right-out driveway, a no parking restriction on the north side of Ford Parkway along the property frontage should be considered. This restriction would improve sight distance at the proposed right-in/right-out as well as allow westbound vehicles on Ford Parkway to access the site outside of the westbound through lane.
- The existing northbound approach lanes at the intersection of Ford Parkway/Finn Street consist of a left turn and right turn only designation. Modify the existing northbound pavement markings to correlate with the left turn lane and through-right turn only usage.
- Pedestrian safety along the subject property frontage is improved by reducing the number of driveways pedestrians have to cross as well as restricting movements at one of the remaining driveways. The existing signalized intersections studied provide appropriate pedestrian guidance including signal head indications and crosswalks. The proposed project will not have an adverse affect on pedestrian controls at these intersections.

2.0 Purpose and Background

The purpose of this Traffic Impact Study is to evaluate the traffic impacts of the proposed Walgreens store located in St. Paul, MN. The project site is located in the northeast quadrant of the Ford Parkway/Finn Street intersection, as shown in **Figure 1**.

Based on direction from City of St. Paul traffic staff and a request by members of the zoning committee, this study examined traffic impacts of the proposed development on the following intersections:

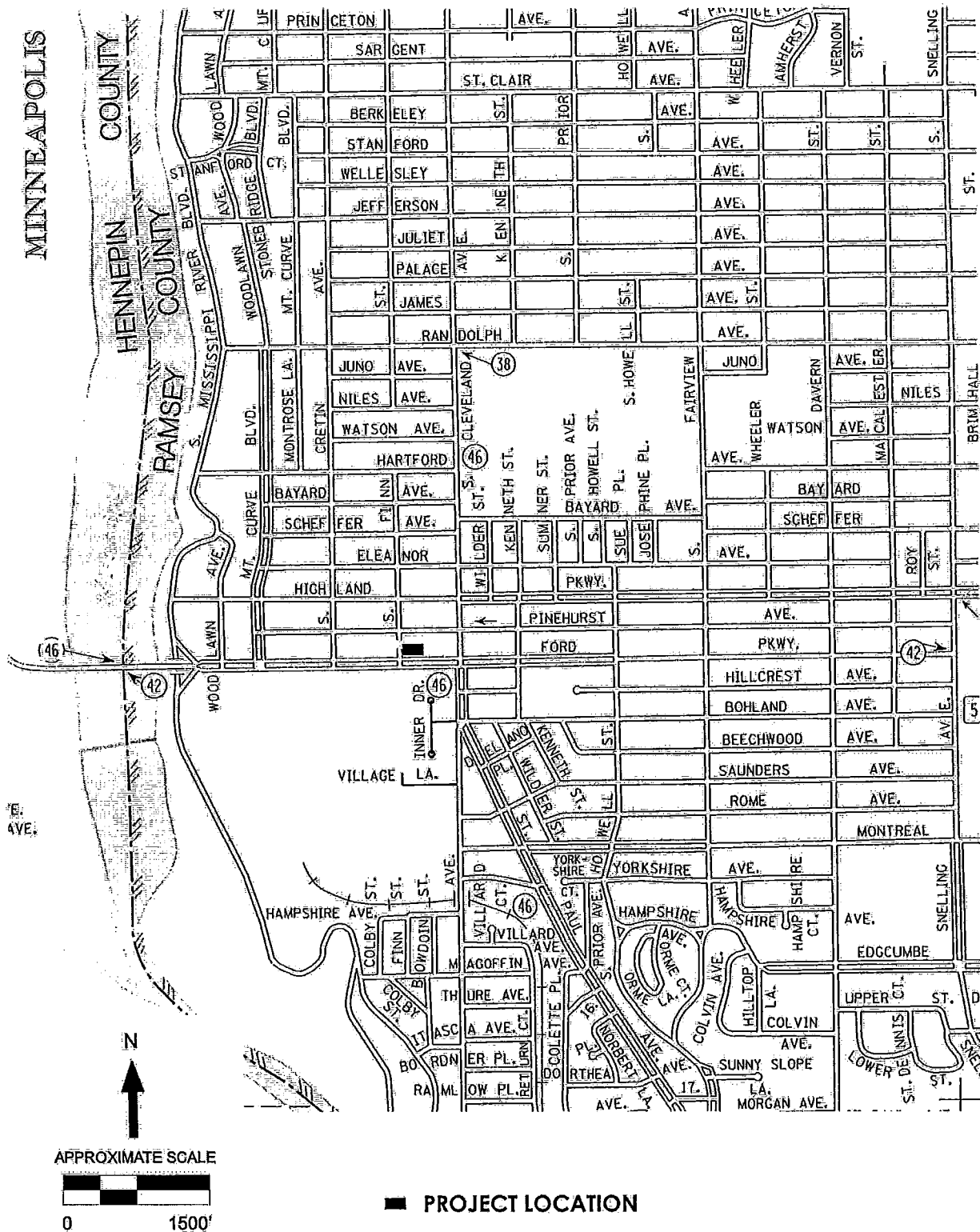
- Ford Parkway/Finn Street
- Finn Street/Ramp Access
- Finn Street/Public Alley
- Ford Parkway/Cretin Avenue
- Ford Parkway/Cleveland Avenue

Proposed Development Characteristics

The proposed project consists of removing the existing vacant gasoline station and adjacent retail building and constructing a new 13,983 square foot Walgreens building with on-site surface parking. The proposed building consists of 9,483 square feet of retail space and 4,500 square feet of storage in the basement level, for a total area of 13,983 square feet.

The property has a total of four existing access driveways, two full-access driveways to Ford Parkway and two full-access driveways to Finn Street. The proposed plan reduces the number of access driveways by two, with one to Ford Parkway and one to Finn Street. The proposed access to Ford Parkway is restricted to right-in/right-out movements only.

The current site plan is shown in **Figure 2**. The project is expected to be complete in 2010.



3.0 Existing Conditions

The proposed site currently consists of a gasoline service station (no longer operating) and a commercial building. The project site is bounded by Ford Parkway on the south, Finn Street on the west, a one-way public alley on the north, and commercial land uses on the east. Ford Parkway along the property frontage is an undivided five-lane section. Raised medians on Ford Parkway are introduced both east and west of the site. Finn Street along the property frontage is a two-way street that dead ends at the public alley adjacent to the site. The public alley is a narrow one-way alley that accommodates westbound vehicles east of Finn Street and eastbound vehicles west of Finn Street.

Along the property frontage, transit shelters and designated bus stops exist on the westbound approach both on the north and south sides of Ford Parkway. On-street parking is currently allowed along the property frontage except in the vicinity of the bus stop.

Existing conditions at the proposed project location are shown in **Figure 3**.

Ford Parkway/Finn Street

The signalized intersection of Ford Parkway/Finn Street provides one dedicated left turn lane, one through lane, and one through-right turn lane on both the eastbound and westbound approaches. The southbound approach consists of one lane for all movements. The northbound approach consists of one through-left turn lane and one right turn lane. A site visit revealed that pavement markings for the northbound approach lack designation for the northbound through movement (only a left arrow and right arrow are shown). Striped crosswalks and pedestrian signal heads are present on all four approaches.

Finn Street/Ramp Access

Although not signed, both eastbound and westbound driveways cross sidewalks along Finn Street and are required to stop by state statute. The northbound and southbound approaches are uncontrolled. This intersection designates the northern limit of two-way operation for this segment of Finn Street. One traffic lane accommodates all legal movements for each approach.

Finn Street/Public Alley

This “tee” intersection is uncontrolled and consists of eastbound one-way travel west of Finn Street and westbound one-way travel east of Finn Street. Although the pavement width exists, there are no northbound lanes approaching this intersection.

Ford Parkway/Cretin Avenue

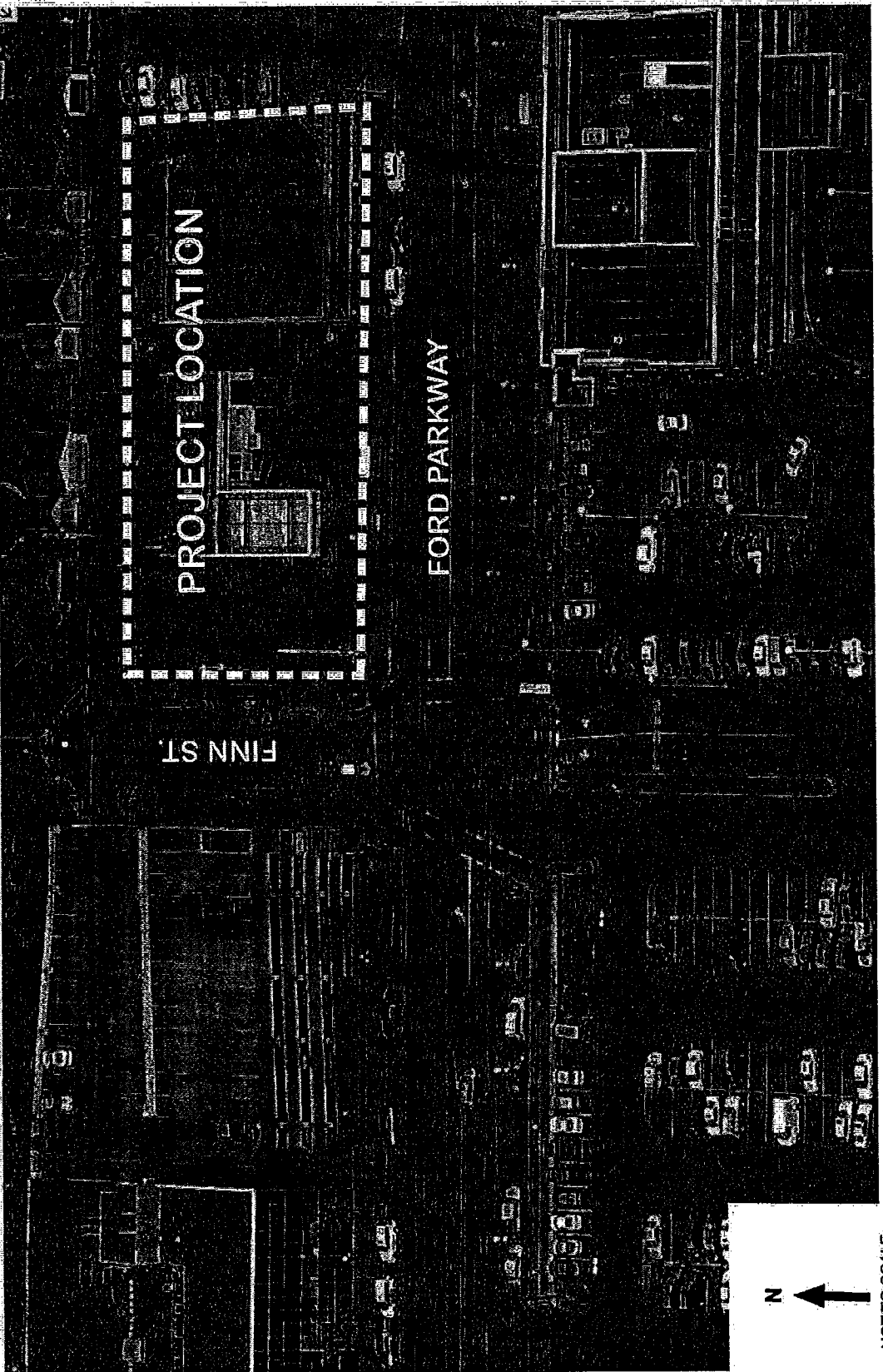
The signalized intersection of Ford Parkway/Cretin Avenue provides one dedicated left turn lane, one through lane, and one through-right turn lane on both the eastbound and westbound

approaches. The southbound approach consists of two undesignated approach lanes. Based on alignment with the opposing northbound approach, these southbound lanes operate as one through-left turn lane and one right turn lane. The northbound approach consists of one lane for all movements. Striped crosswalks and pedestrian signal heads are present on all four approaches.

Ford Parkway/Cleveland Avenue

The signalized intersection of Ford Parkway/Cleveland Avenue provides one dedicated left turn lane, one through lane, and one through-right turn lane on both the eastbound and westbound approaches. The southbound approach consists of one dedicated left turn lane, one through lane, and one through-right turn lane. The northbound approach consists of dedicated left turn lane and one through-right turn lane. Striped crosswalks and pedestrian signal heads are present on all four approaches.

Turn movement data for the intersections along Finn Street were collected during the weekday a.m. and p.m. peak periods in June, 2009. Turn movement data for the Cretin Avenue and Cleveland Avenue intersections with Ford Parkway were collected during the weekday a.m. and p.m. peak periods in August, 2009.



N
↑
NOT TO SCALE

FIGURE 3
EXISTING CONDITIONS

TRAFFIC IMPACT STUDY FOR
WALGREENS IN ST. PAUL, MN

4.0 Traffic Forecasts

Traffic Forecast Scenarios

To adequately address the impacts of the proposed project, forecasts and analyses were completed for the year 2011. Specifically, weekday a.m. and p.m. peak hour traffic forecasts were completed for the following scenarios:

- *Existing (2009).* Existing volumes were determined through traffic counts at the subject intersections.
- *2011 No-Build.* Existing volumes at the subject intersections were increased by two percent per year to determine 2011 No-Build volumes. Due to the developed nature of the area, the two percent per year growth rate provides a conservative analysis.
- *2011 Build.* Trips generated by the proposed Walgreens were added to the 2011 No-Build volumes to determine 2011 Build volumes.

Trip Generation

Weekday a.m. and p.m. peak hour trip generation for the existing land uses and proposed development were calculated based on data presented in the eighth edition of Trip Generation, published by the Institute of Transportation Engineers (ITE). The resultant trip generation is shown in **Table 1, Table 2 and Table 3** for a.m., p.m., and daily trips respectively. *For existing vs. proposed comparison purposes only*, trips generated by the existing land uses are also provided.

**Table 1
Typical Weekday AM Peak Hour Trip Generation**

Land Use	Size	Unit	New Vehicle Trips		Pass-By Vehicle Trips		Total Trips
			IN	OUT	IN	OUT	
Existing Land Use							
Gasoline/Service Station with Convenience & Carwash	8	FVP	22	21	27	25	95
Party City	7,566	GFA	0	0	0	0	0
Existing Land Use Total			22	21	27	25	95
Proposed Land Use							
Walgreens	13,983	GFA	19	13	8	5	45

1. GFA = Gross Floor Area
2. VFP = Vehicle Fueling Positions
3. Party City is not open during the weekday a.m. peak hour.

Table 2
Typical Weekday PM Peak Hour Trip Generation

Land Use	Size	Unit	New Vehicle Trips		Pass-By Vehicle Trips		Total Trips
			IN	OUT	IN	OUT	
Existing Land Use							
Gasoline/Service Station with Convenience & Carwash	8	FVP	26	24	32	30	112
Party City	7,566	GFA	7	8	3	3	21
Existing Land Use Total			33	32	35	33	133
Proposed Land Use							
Walgreens	13,983	GFA	41	41	18	18	118

1. GFA = Gross Floor Area
2. VFP = Vehicle Fueling Positions

Table 3
Typical Weekday Daily Trip Generation

Land Use	Size	Unit	New Vehicle Trips		Pass-By Vehicle Trips		Total Weekday Trips
			IN	OUT	IN	OUT	
Existing Land Use							
Gasoline/Service Station with Convenience & Carwash	8	FVP	275	275	336	336	1,222
Party City	7,566	GFA	117	117	50	50	334
Existing Land Use Total			392	392	386	386	1,556
Proposed Land Use							
Walgreens	13,983	GFA	441	441	189	189	1,260

1. GFA = Gross Floor Area
2. VFP = Vehicle Fueling Positions

The trips shown in **Table 1**, **Table 2**, and **Table 3** are classified into two categories:

- New Vehicle Trips – Trips solely to and from the proposed development
- Pass-By Vehicle Trips – Trips made as intermediate stops “on the way” from an origin to a primary destination without a route diversion. Pass-by trips are attracted from existing traffic passing the site on an adjacent street or roadway that offers direct access to the site. These are trips by vehicles that are currently passing through the subject intersections and will continue to do so.

The percentage of trips shown in the tables and assigned to each trip type described above was based on data provided in the ITE Trip Generation Handbook, Second Edition. Based on this data, 70 percent of the total Walgreens trips are new trips and 30 percent are pass-by trips. For the comparison shown in the trip generation tables above, pass-by for existing land uses are as follows:

- Gasoline/Service Station with Convenience & Carwash – 45 percent new trips/55 percent pass-by
- Party City – 70 percent new trips/30 percent pass-by

Trip Distribution Percentages

Trip distribution percentages for the subject development trips were established based on the nearby roadway network, existing and expected future traffic patterns, and location of the subject development in relation to major attractions and population concentrations. The distribution percentages for new trips generated by the proposed development are as follows:

- 55% to/from the east on Ford Parkway. The distribution is further divided at Cleveland Avenue to 8% to/from the north, 28% to/from the east, and 19% to/from the south.
- 45% to/from the west on Ford Parkway. The distribution is further divided at Cretin Avenue to 10% to/from the north and 35% to/from the west.

Traffic Volumes

Development trips were assigned to the surrounding roadway network using the preceding trip distribution percentages. The resultant distribution is shown in **Figure 4**. Traffic volumes were established for all the forecasting scenarios described earlier during both the weekday a.m. and p.m. peak hours. The resultant traffic volumes are presented in **Figures 5 and 6**.

ONE-WAY →
PUBLIC ALLEY

← ONE-WAY
PUBLIC ALLEY

11 (39)

SITE ACCESS

RAMP ACCESS

FINN ST

CRETIN AVE

7 (14) →
← 2 (4)

1 (4)
← 3 (12)

FORD PARKWAY

12 (25) →
← 3 (7)

9 (30) →
← 1 (3)

1 (3)
← 3 (12)

7 (20)

SITE ACCESS

13 (28)
← 3 (5)

1 (3)
← 1 (3)

4 (11)
← 1 (8)

4 (8) →
← 5 (12)

N
NOT TO SCALE

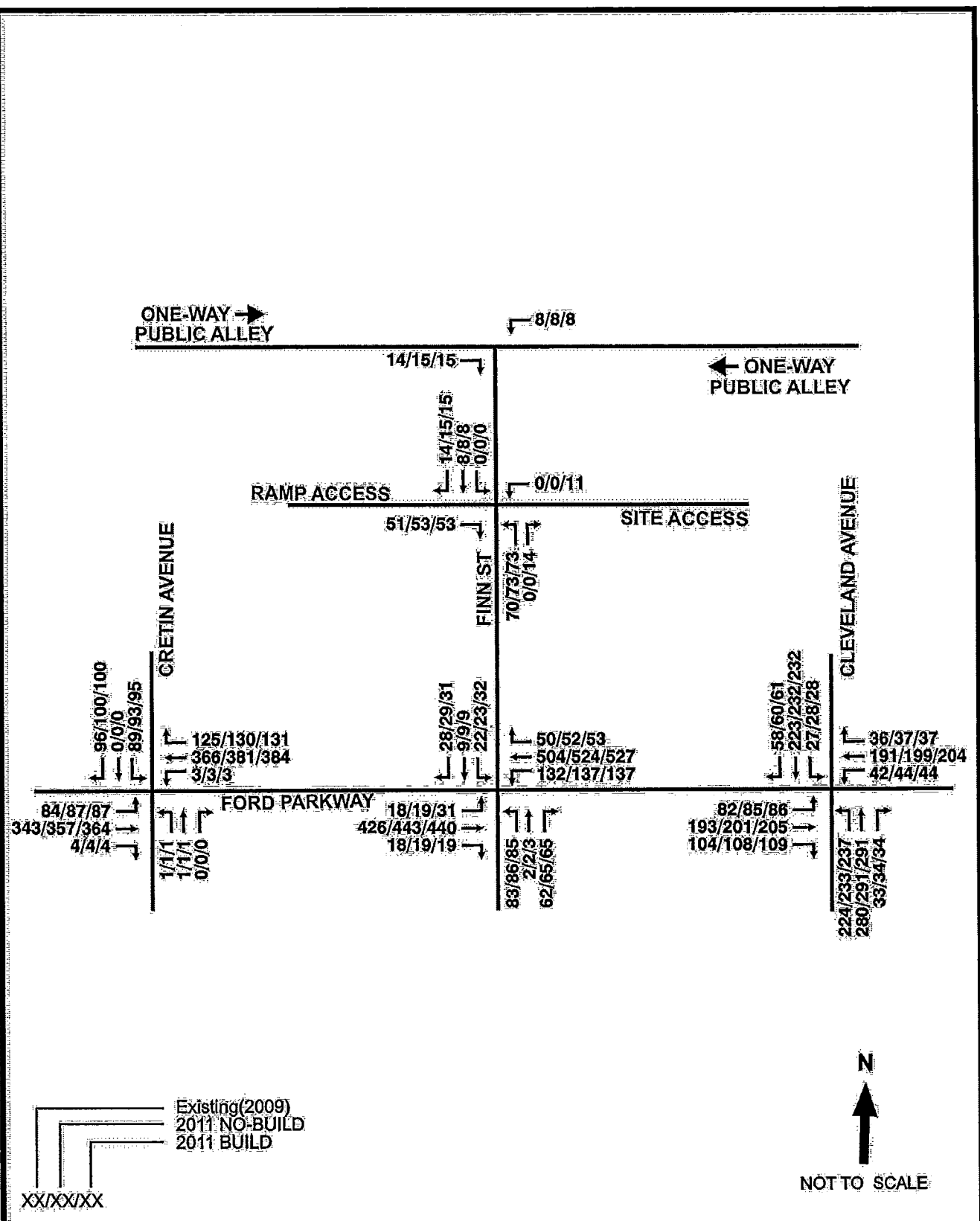
AM PEAK HOUR DEVELOPMENT TRIPS
PM PEAK HOUR DEVELOPMENT TRIPS

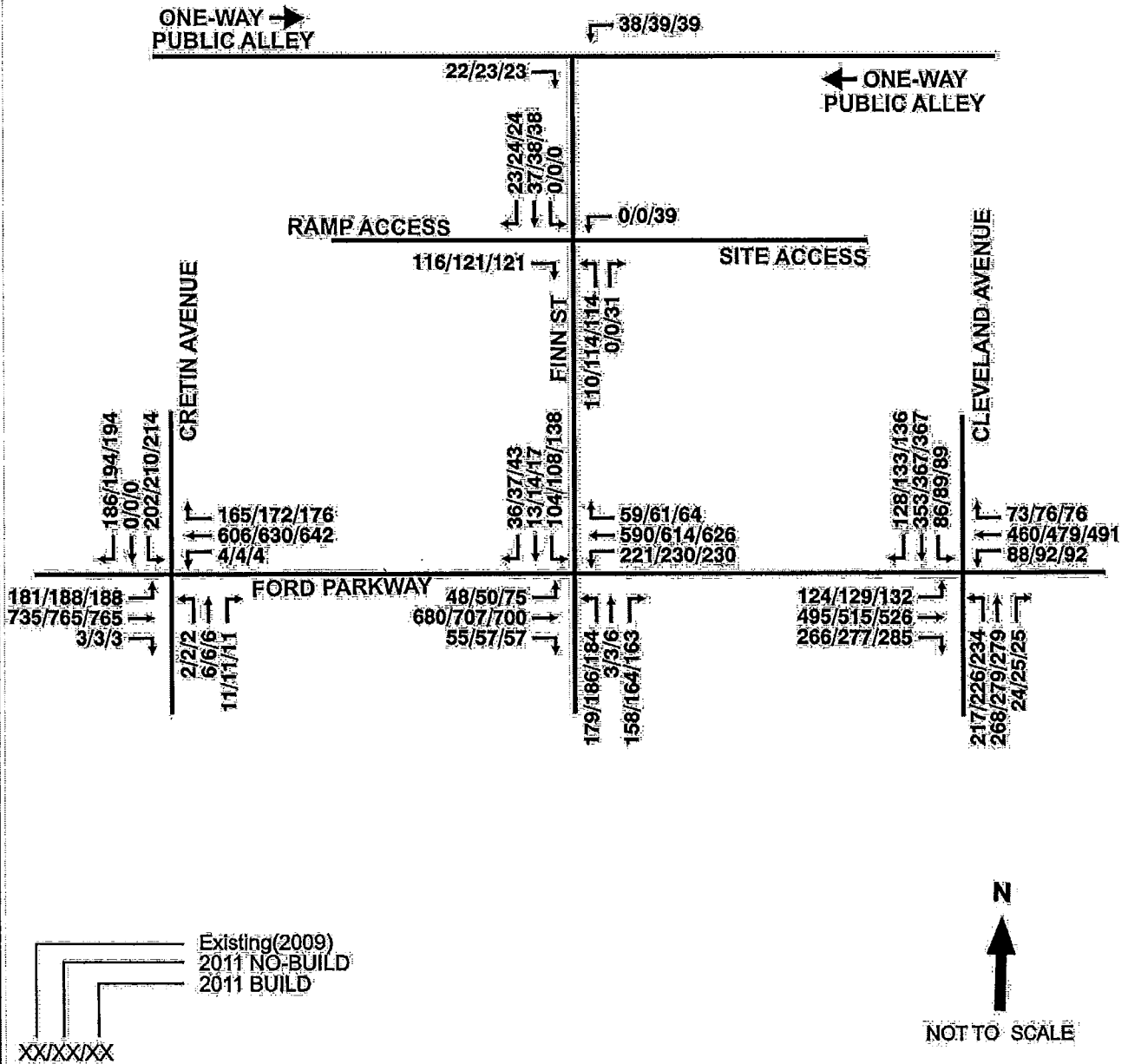
XX (XX)

FIGURE 4
WALGREENS
DEVELOPMENT TRIPS

TRAFFIC IMPACT STUDY FOR
WALGREENS IN ST. PAUL, MN







5.0 Traffic Analysis

Intersection Level of Service Analysis

Traffic analyses were completed for the subject intersections for all scenarios described earlier during both the weekday a.m. and p.m. peak hours using Synchro software. Initial analysis was completed using existing geometrics, control, and signal timing. Capacity analysis results are presented in terms of level of service (LOS), which range from A to F. LOS A represents the best intersection operation, with very little delay for each vehicle using the intersection. LOS F represents the worst intersection operation, with excessive delay for each vehicle using the intersection. Level of service results are shown in **Figures 7 and 8**. Discussion for each individual intersection is provided below.

Ford Parkway/Finn Street (signalized) - During the a.m. peak hour under all scenarios, all movements operate at LOS D or better and the overall intersection operates at LOS B. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

During the p.m. peak hour under all scenarios, all movements except the southbound movements operate at LOS D or better and the overall intersection operates at LOS C or better. The southbound movements operate at LOS D under 2009 and 2011 No Build conditions and LOS E under 2011 Build conditions.

During the 2011 Build condition, an additional southbound approach lane improves the p.m. peak hour LOS for the southbound through and right turn movements to LOS D. The LOS for southbound left turns remains unchanged. The overall intersection operates at LOS B.

Finn Street/Ramp Access (driveways are stop controlled) - During the a.m. peak hour under all scenarios, all movements operate at LOS B or better. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

During the p.m. peak hour under all scenarios, all movements operate at LOS B or better. No improvements are necessary at this intersection during the p.m. peak hour to accommodate the proposed development.

Finn Street/Public Alley (uncontrolled) - During the a.m. peak hour under all scenarios, all movements operate at LOS A. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

During the p.m. peak hour under all scenarios, all movements operate at LOS A. No improvements are necessary at this intersection during the p.m. peak hour to accommodate the proposed development.

Ford Parkway/Cretin Avenue (signalized) - During the a.m. peak hour under all scenarios, all movements operate at LOS D or better and the overall intersection operates at LOS A. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

During the p.m. peak hour under all scenarios, all movements operate at LOS D or better and the overall intersection operates at LOS B. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

Ford Parkway/Cleveland Avenue (signalized) - During the a.m. peak hour under all scenarios, all movements operate at LOS D or better and the overall intersection operates at LOS C. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.







During the p.m. peak hour under all scenarios, all movements operate at LOS D or better and the overall intersection operates at LOS C. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

Field observations and traffic simulation modeling for Ford Parkway indicate significant eastbound vehicle queue lengths during the p.m. peak hour at Cleveland Avenue. This queue occurs under both existing and future conditions. As supported by the level of service results, the number of trips added by the proposed project has minimal impacts on operations at the Cleveland Avenue intersection. City staff has optimized the signal timing at the Ford Parkway/Cleveland Avenue intersection to best accommodate the traffic volumes.

Southbound Vehicle Queue Lengths at Ford Parkway

The 95th percentile maximum queue lengths were estimated using the Synchro software. Initial analysis was completed using existing geometrics, control, and signal timing. Mitigation analysis was completed with an additional southbound approach lane. The available storage for this movement is approximately 80 feet. The resultant queue lengths are shown in Table 3.

**Table 3 Weekday A.M. and P.M. Peak Hour
95th Percentile Vehicle Queue Lengths For Southbound Finn Street (in feet)**

AM	Existing Geometry (single southbound lane for Finn Street)	Mitigation Geometry (two southbound lanes for Finn Street)	
			
2009 Existing	56		
2011 No Build	57		
2011 Build	66	35	47
PM	Existing Geometry (single southbound lane for Finn Street)	Mitigation Geometry (two southbound lanes for Finn Street)	
			
2009 Existing	156		
2011 No Build	163		
2011 Build	201	41	155

As presented in **Table 3**, during the a.m. peak hour the 95th percentile queue with the existing lane geometry is less than the available storage for all scenarios (i.e. less than 80 feet). The a.m. peak hour queue lengths for the build scenario are reduced further under the mitigation geometry. During the p.m. peak hour, the 95th percentile queue with the existing lane geometry is greater than the available storage for all scenarios (i.e. greater than 80 feet). The p.m. peak hour queue lengths for the build scenario are reduced slightly below the 2009 Existing queue length under the mitigation geometry; however, the queue length for the left turn lane remains greater than the available storage. For the build scenario, operations under the proposed mitigation result in queue lengths for the left turn very close to those currently experienced for this movement.

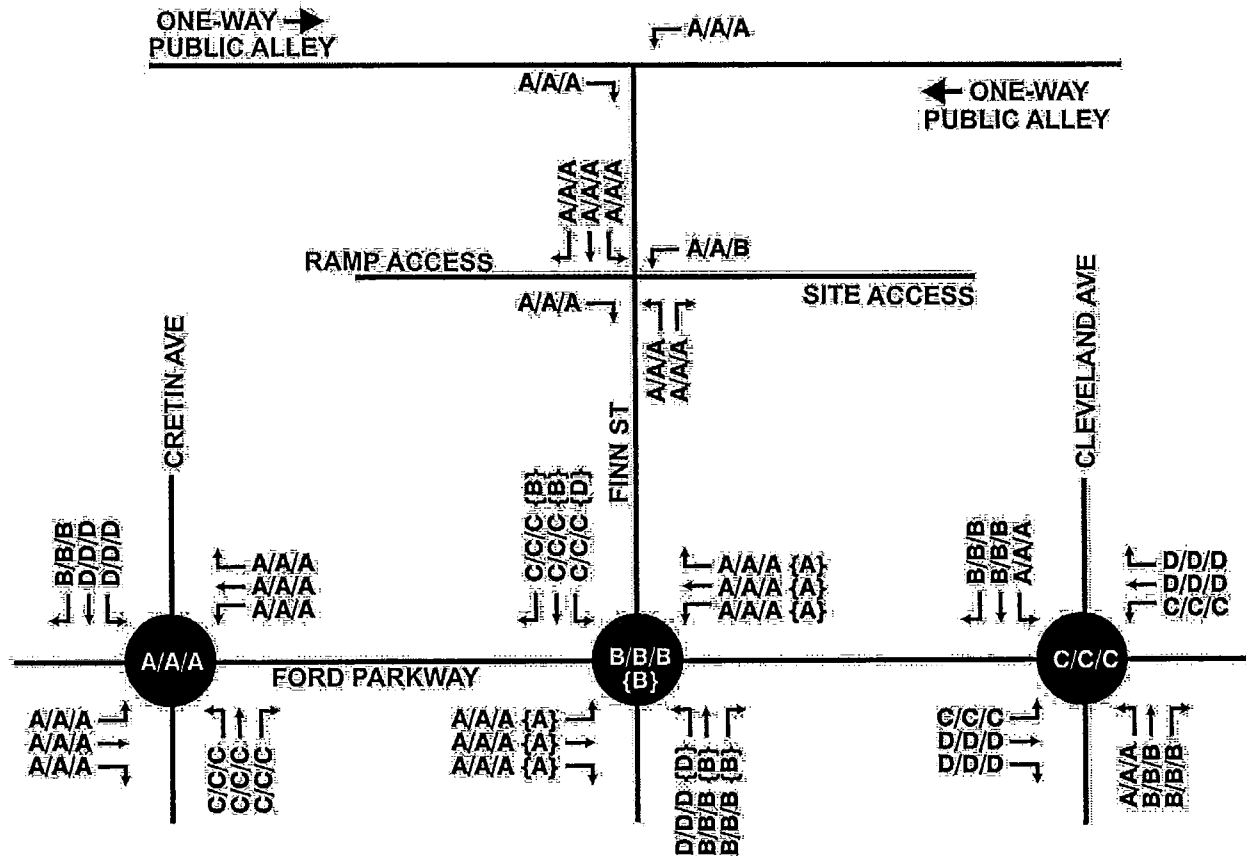
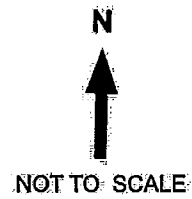
Recommended Street Configuration for Finn Street

Based on the level of service analysis, queuing analysis results, and discussions with the City, the recommended lane configuration for the southbound approach of Finn Street is a southbound left turn lane and a southbound through-right turn lane. The existing roadway width of this segment is 29.5 feet face of curb to face of curb. The recommended width is 36 feet face of curb to face of curb. This width would accommodate a southbound 12 foot through-right turn lane, a 10 foot southbound dedicated left turn lane, and a 14 foot northbound lane.

Pedestrian Safety Along Ford Parkway

As previously noted, the proposed site plan removes two full-access driveways along the subject property frontage, one on Ford Parkway and one on Finn Street. Pedestrian safety along the property frontage is improved by removal of these two existing vehicle/pedestrian conflict points.

The existing signalized intersections studied provide appropriate pedestrian guidance including signal head indications and crosswalks. The proposed project will not have an adverse affect on pedestrian controls at these intersections. Pedestrian signal head timing is independent of traffic volume and is based on roadway width and pedestrian walking speeds.



Existing(2009)

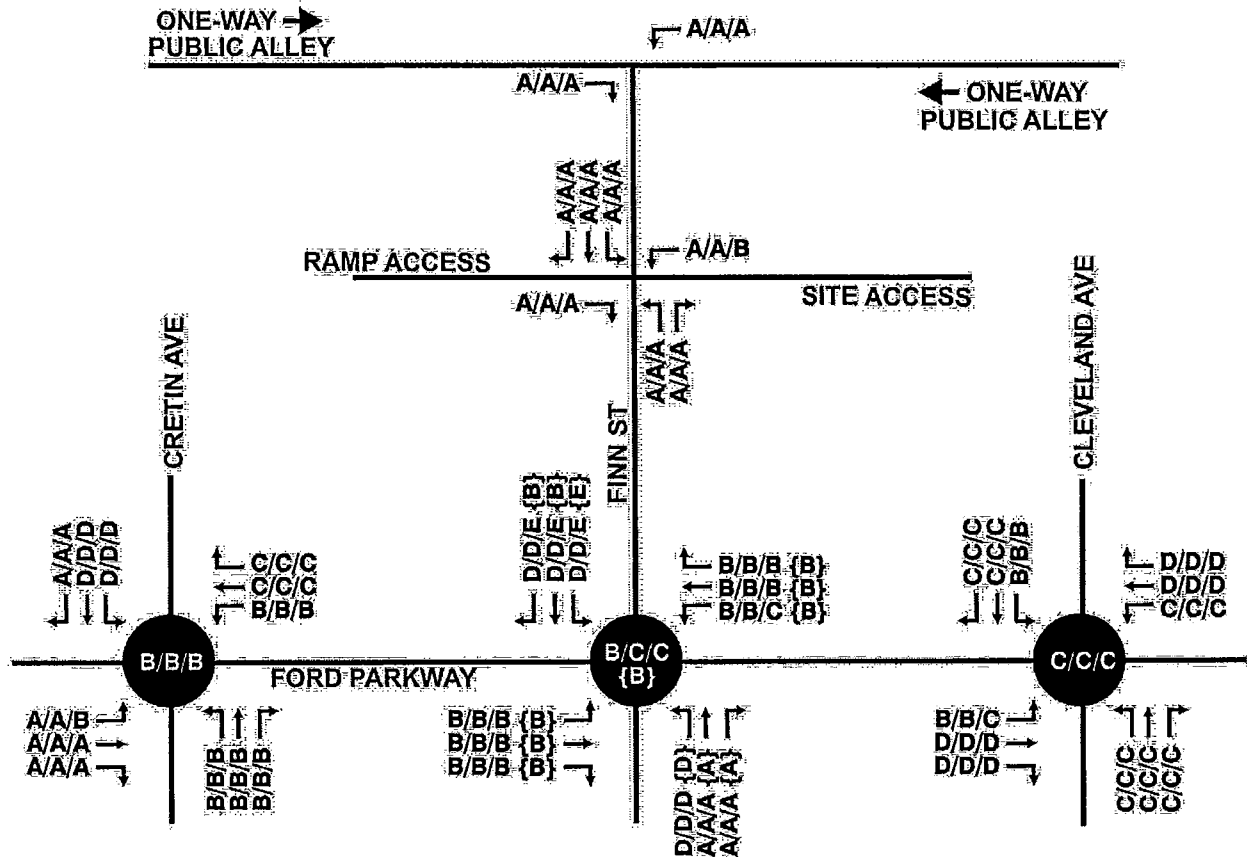
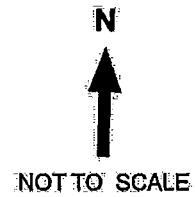
2011 NO-BUILD

2011 BUILD

XX/XX/XX {BUILD LOS WITH MITIGATION}

Note:

Mitigation at the Ford Parkway/Finn Street Intersection consists of adding an additional southbound approach lane to provide two lanes on this approach, one functioning as an exclusive left turn lane, the other as a through-right turn lane.



Existing(2009)
2011 NO-BUILD
2011 BUILD

XX/XX/XX {BUILD LOS WITH MITIGATION}

Note:

Mitigation at the Ford Parkway/Finn Street intersection consists of adding an additional southbound approach lane to provide two lanes on this approach, one functioning as an exclusive left turn lane, the other as a through-right turn lane.

6.0 Conclusions and Recommendations

The conclusions drawn from the information and analyses presented in this report are as follows:

- The proposed development is expected to generate 45 trips during the weekday AM peak hour, 118 trips during the weekday p.m. peak hour, and 1,260 weekday daily trips.
- The intersections of Finn Street/Ramp Access and Finn Street/Public Alley have adequate capacity with existing geometrics and control to accommodate the proposed development while maintaining acceptable levels of service.
- During the a.m. and p.m. peak hours under all study scenarios, all movements at the intersections of Ford Parkway/Cretin Avenue and Ford Parkway/Cleveland Avenue operate at a LOS D or better and the overall intersections operate at LOS C or better. The proposed development has minimal impacts on traffic operations at these intersections. No improvements are needed at these intersections to accommodate the proposed development.
- Based on the level of service analysis, queuing analysis results, and discussions with the City, the recommended lane configuration for the southbound approach of Finn Street is a southbound left turn lane and a southbound through-right turn lane. The existing roadway width of this segment is 29.5 feet face of curb to face of curb. The recommended width is 36 feet face of curb to face of curb. This width would accommodate a southbound 12 foot through-right turn lane, a 10 foot southbound dedicated left turn lane, and a 14 foot northbound lane.
- The transit shelter and bus stop located in the northeast quadrant of the Ford Parkway/Finn Street intersection have been incorporated into the proposed site plan.
- To improve sight lines between westbound vehicles on Ford Parkway and vehicles exiting the right-in/right-out driveway, a no parking restriction on the north side of Ford Parkway along the property frontage should be considered. This restriction would improve sight distance at the proposed right-in/right-out as well as allow westbound vehicles on Ford Parkway to access the site outside of the westbound through lane.
- The existing northbound approach lanes at the intersection of Ford Parkway/Finn Street consist of a left turn and right turn only designation. Modify the existing northbound pavement markings to correlate with the left turn lane and through-right turn only usage.

- Pedestrian safety along the subject property frontage is improved by reducing the number of driveways pedestrians have to cross as well as restricting movements at one of the remaining driveways. The existing signalized intersections studied provide appropriate pedestrian guidance including signal head indications and crosswalks. The proposed project will not have an adverse affect on pedestrian controls at these intersections.

7.0 Appendix

Trip Generation Worksheet

To: Tom Beach
DSI, 375 Jackson St.

From: Linda Murphy
Traffic Engineering, 800 City Hall Annex

Re: Walgreen's on Finn & Ford

Date: August 25, 2009

Traffic Engineering has reviewed the revised Traffic Impact Study (TIS) submitted by Wenck Associates dated August 14, 2009. We concur with their conclusions as to the impact of the development on the level of service of the area intersections that were analyzed and with respect to their trip assignment methodology and traffic analysis.

They have shown that the Walgreens will generate less traffic than the previous uses that were on the site – the gas station and party supply store. (Table 3, page 4-2)

They have analyzed the intersections of Ford/Finn, Ford/Cretin, and Ford/Cleveland, along with Finn/public alley, Finn/Ramp access plus their proposed driveways. All movements at all intersections currently operate at a level of service (LOS) of D or better in both the AM and PM peak and the overall intersections operate at a LOS of C or better. A LOS of D or better is an acceptable level. Levels of E or F would require some mitigation to improve the level of service.

Intersections of Ford/Cretin & Ford/Cleveland

Their study shows that the impact of the Walgreens development on the intersections of Ford/Cretin and Ford/Cleveland will be insignificant. Figure 6 of their study shows there will be less than a 2% increase in traffic at the Ford/Cleveland intersection in the PM peak hour due to the development, and less than a 1% increase in traffic at the Ford/Cretin intersection. The PM peak is used as a reference because that is the worst hour of traffic.

All movements at these two intersections will continue to operate at a LOS of D or better in the AM and PM peak with a LOS of C or better for the overall operation of intersections during the AM and PM peak. No improvements are needed at these intersections to accommodate this development.

Intersection of Ford/Finn

All movements at the intersection of Ford/Finn currently operate at a LOS of D or better in the AM and PM peak and the overall intersection currently operates at a LOS of C or better. With this development the southbound movement would go from a LOS D to a LOS E during the PM peak.

Walgreen's is proposing to add an additional southbound approach lane on Finn at Ford which would improve the LOS to D or better for all movements PM peak, and an overall LOS of B for the operation of the entire intersection. This is an improvement over the current LOS of C for the entire intersection in the PM peak.

Intersections of Finn/Public Alley and Finn/Ramp

Their study shows no improvements necessary at this intersection due to their development. The neighborhood has requested a bump-out on the north side of the Walgreen's Finn driveway to provide a barrier to prevent northbound Finn traffic from entering the one-way alley from the wrong direction. We are in agreement with the neighborhood request.

For the intersection of Finn and the parking ramp driveway, their study shows that under all scenarios, all movements will operate at LOS B or better in both the AM and PM peak. No improvements are necessary at this driveway to accommodate the development.

Pedestrian Safety and Development Driveways

We concur with their conclusions regarding improved pedestrian safety due to the removal of 2 full access driveways along the site. We have also requested their monument sign not be placed near their driveway, to maintain good sight lines for drivers exiting the Ford Parkway driveway.

Traffic Recommendations

After reviewing Walgreen's revised Traffic Impact Study and revised site plan, Traffic Engineering recommends approval of their plan and study subject to the following requirements:

Walgreen's shall widen Finn Street north of Ford under an ordinance permit issued by Public Works Street Engineering in accordance Traffic Engineering's recommendations as stated in paragraph 4, page 6-1 of their TIS and as shown on their latest site plan incorporated into the TIS. All costs for the reconstruction of Finn and changes to the Finn/Ford intersection shall be the responsibility of the developer including, but not limited to relocating signal, lighting and other facilities.

Their site plan shall include the following note: "Signs regulating parking and/or traffic on private property shall be installed by the property owner or contractor outside of the public right-of-way. Signs approved by Public Works Traffic Engineering regulating parking and/or traffic in the public right-of-way for this development shall be installed by City forces at the expense of the development. Contact Linda Murphy, Traffic Engineering, 651-266-6205 six weeks in advance of needed signs."

Their monument sign near the Ford Pkwy driveway needs to be moved away from their driveway to allow clear visibility of pedestrians for exiting drivers.

Public Works can also ban parking, as necessary, on either side of their driveway to further enhance sight lines for exiting drivers. All costs for the installation of No Parking signs would be the responsibility of the project.

Plantings on the bump-out at the Finn driveway just south of the alley must be low plantings no higher than 18" at maturity to prevent sight line issues.

ZONING COMMITTEE STAFF REPORT

FILE # 09 089752

1. **APPLICANT:** Semper Development Ltd.

HEARING DATE: 7/16/09

2. **TYPE OF APPLICATION:** Site Plan Review

3. **LOCATION:** 2101 Ford Pkwy

4. **PIN & LEGAL DESCRIPTION:** 172823110083
Saint Catherine Park Lots 18 And Lot 19 Blk 9

5. **PLANNING DISTRICT:** 15

PRESENT ZONING: B2

6. **ZONING CODE REFERENCE:** 61.402.c

7. **STAFF REPORT DATE:** 7/9/09

BY: Tom Beach

8. **DATE RECEIVED:** 6/16/09

DEADLINE FOR ACTION: 8/15/09

A. **PURPOSE:** Site plan review for a new Walgreens store

B. **PARCEL SIZE:** 27,061 square feet (215 x 125')

C. **EXISTING LAND USE:** Gas station (vacant) and a one-story retail building.

D. **SURROUNDING LAND USE:**

North: Single-family residential (R4)

East: Commercial (B2)

South: Commercial (B2)

West: Parking ramp and commercial (B2)

E. **ZONING CODE CITATION:** 61.402.c

F. **PROJECT OVERVIEW:** The site currently has two businesses: a gas station (that is not currently open) and a one-story retail building. Walgreens plans to demolish these existing buildings.

Walgreens will construct a new store with a main floor (9,483 square feet of floor area) and an unfinished basement that will be used for storage (4,500 square feet).

The exterior of the building will be a combination of brick and manufactured stone. The entrance to the building will be at the southwest corner of the building, facing Ford Parkway and the parking lot. There will be windows on all four sides of the building, with most of them on the front side (facing Ford Parkway) and the west side (facing the parking lot). Some of the windows will be clear glass that will allow views into and out of the building. The other windows will be spandrel glass which is opaque.

The store will have 41 off-street parking spaces (38 spaces in a lot on the west half of the site and 3 parking spaces behind the building). 38 off-street parking spaces are required for a building of this size by the zoning code.

Access to the parking lot will be from two driveways: one on Ford Parkway and one on Finn Street. Access on Ford will be restricted to Right-In and Right-Out.

Most deliveries will be from small truck that park in the parking lot in bring goods in through the front door. A large truck will come once a week and make a delivery using a door at the back of the building. The building is set 13' off of the alley so that the truck can park without blocking the alley.

The parking lot will be heavily landscaped on the sides facing Ford and Finn with trees shrubs and an ornamental metal fence. The parking lot will have a privacy fence and shrubs on the side facing the alley.

A monument sign is proposed along Ford Parkway, in addition to signs on the building.

G. DISTRICT COUNCIL RECOMMENDATION: District 15 had not taken a formal position on the site plan at the time this staff report was written. However, there is a lot of interest in the project and there have been a number of community meetings about the project.

H. FINDINGS: Section 61.402.c of the Zoning Code says that in "order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with" the findings listed below.

1. *The city's adopted comprehensive plan and development or project plans for sub-areas of the city.*

The site plan is consistent with this finding. The District 15 Highland Park Neighborhood Plan calls for "incorporat[ing] a mix of uses and a pedestrian-friendly environment in commercial areas." (The plan also supports rezoning portions of Highland Village to TN2 which would bring additional design standards but this has not been done.)

2. *Applicable ordinances of the City of Saint Paul.*

The site plan is consistent with this finding. The proposed use is permitted in the B2 zoning district. The site plan meets all zoning requirements including minimum number of parking spaces, setbacks, lot coverage, building height.

The City's has design standards for pedestrian oriented commercial areas (Section 63.110.c).

- These standards say that buildings must "hold the corner – that is have street facades at or near the sidewalks on both streets ... unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable." In this case, the proposed building is up to the street on Ford Parkway but the parking lot fronts on Finn Street. However, moving the building so that it fronts on Finn would make it difficult to provide a driveway on Finn so that the only driveway would have to be on Ford Parkway. This is not acceptable given the traffic conditions on Ford. In addition, hold the corner is not as critical in this case because Finn is not a typical street – it is a dead-end street that stops at the alley.
- The design standards say that "buildings shall have windows and door openings facing the street." However, the standards do not specify how many windows or whether they need to be clear glass. In this case, given the context of the other commercial buildings in the area with large, clear windows, it is reasonable to apply the TN2 standards and make this a condition of approval for the site plan. These standards say that 50% of the frontage of the first floor must have clear windows that allow views into and out of the building. The applicant has revised the building so that it meets this standard.

3. *Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.*

The site plan is consistent with this finding. The site does not have unique geologic or geographic characteristics. The proposed development will be in keeping with the character of the area as it has developed over the last 60 years.

The gas tanks from the existing old station will be removed as a part of the demolition under a permit from the City.

4. *Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.*

The site plan is consistent with this finding. Surface water will be directed to the City storm sewer system. The parking lot will be screened from residents across the alley to the north. Views, light and air will not be affected.

There is currently a problem with cars driving north on Finn from Ford Parkway and then going into the alley behind the site (even though the alleys have "Do Not Enter" signs.) The site plan includes a curbed island in Finn Street to make it harder for cars to enter the alley from Finn.

5. *The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.*

The site plan is consistent with this finding. The site plan will limit the impact on the residential property to the north across the alley. The location of the driveways will minimize the impact on Ford Parkway. The building is built up to the sidewalk on Ford Parkway so that it is consistent with the existing buildings on the north side of Ford.

6. *Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.*

The site plan is consistent with this finding. The site plan meets current standard practices for landscaping, site layout and building design.

7. *Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.*

The intersection of Ford and Finn already has a high level of traffic and so Saint Paul Public Works asked Wagreens to submit a Traffic Impact Study for the project. The main recommendation in the study is to widen Finn a few feet so that an additional southbound lane can be added. (The full Conclusions and Recommendation section of the study is included in the packet.) Public Works had not completed its review of the Traffic Impact Study at the time this report was written but they should have comments ready before the public hearing on July 16.

The site plans shows two driveways. There are currently has 4 driveways. The proposed driveway on Ford Parkway would be configured to limit cars to Right-In and Right-Out only.

8. *The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.*

The site plan is consistent with this finding. The site plan has been reviewed by Public Works and they have determined that it meets City standards subject to some minor changes.

9. *Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.*

The site plan is consistent with this finding. The parking lot will be heavily landscaped on the sides facing Ford and Finn with trees shrubs and an ornamental metal fence. The parking lot will have a privacy fence and shrubs on the side facing the alley.

The site plan shows that 41 off-street parking spaces will be provided. The zoning code requires a minimum of 38 spaces. (For purposes of comparison, the two existing businesses on the site have a total of 15 off-street parking spaces.)

10. *Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.*

The site plan is consistent with this finding. Two accessible parking spaces will be located near the entrance to the building. The entrance to the building will be accessible from the public sidewalk.

11. *Provision for erosion and sediment control as specified in the "Ramsey Erosion Sediment and Control Handbook."*

The site plan is consistent with this finding. The site plan shows that erosion and sediment control measures will be used during construction, including silt fences, rock construction entrances, inlet protection and street sweeping.

J. STAFF RECOMMENDATION:

Based on the findings above, the staff recommends approval of the site plan to allow construction of a new retail store at 2101 Ford Parkway, subject to the following conditions:

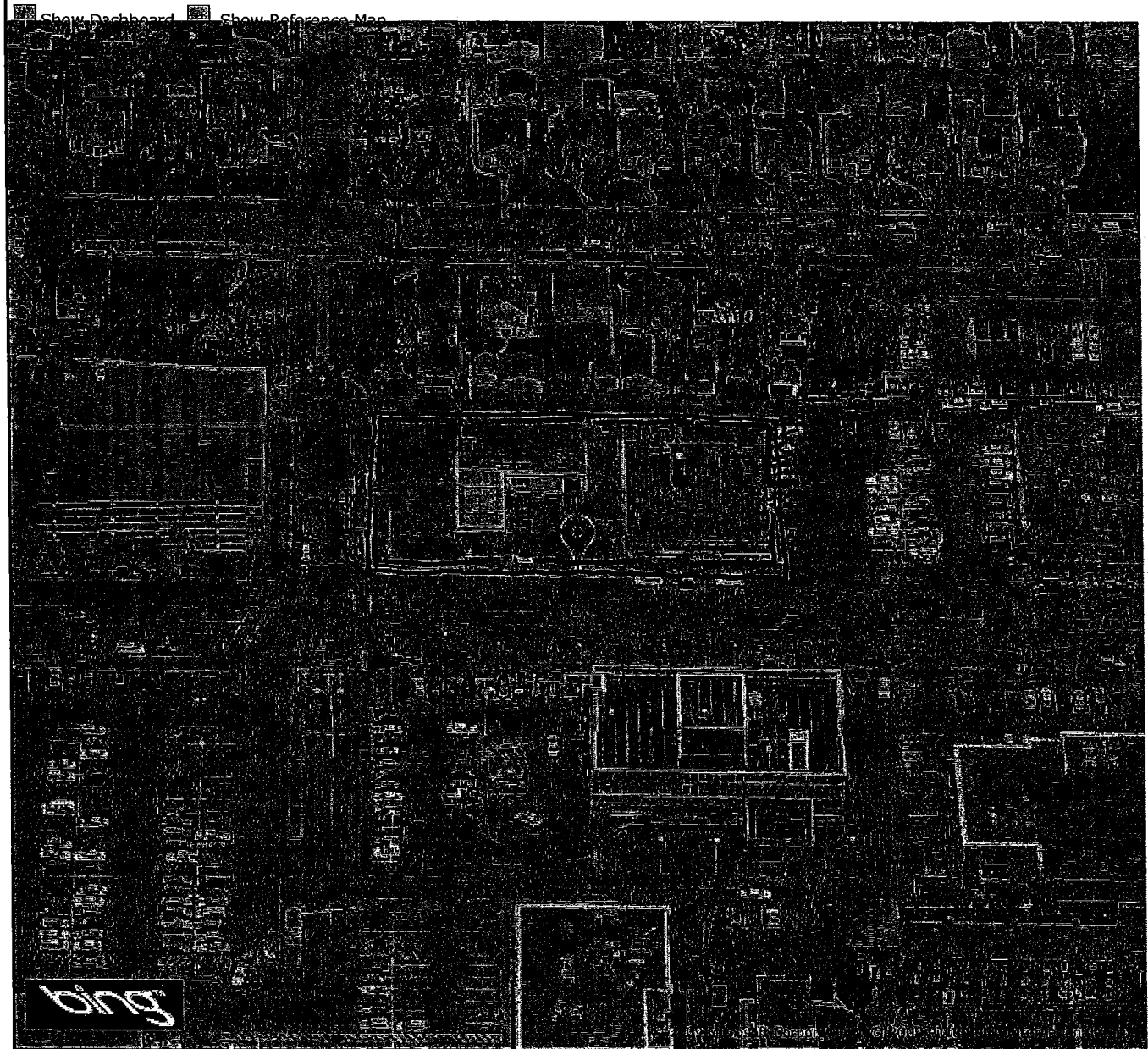
1. The site plan must be approved by Public Works Traffic Division.
2. Final plans for sewers and stormwater drainage must be approved by Public Works Sewer Division.

[illegible]

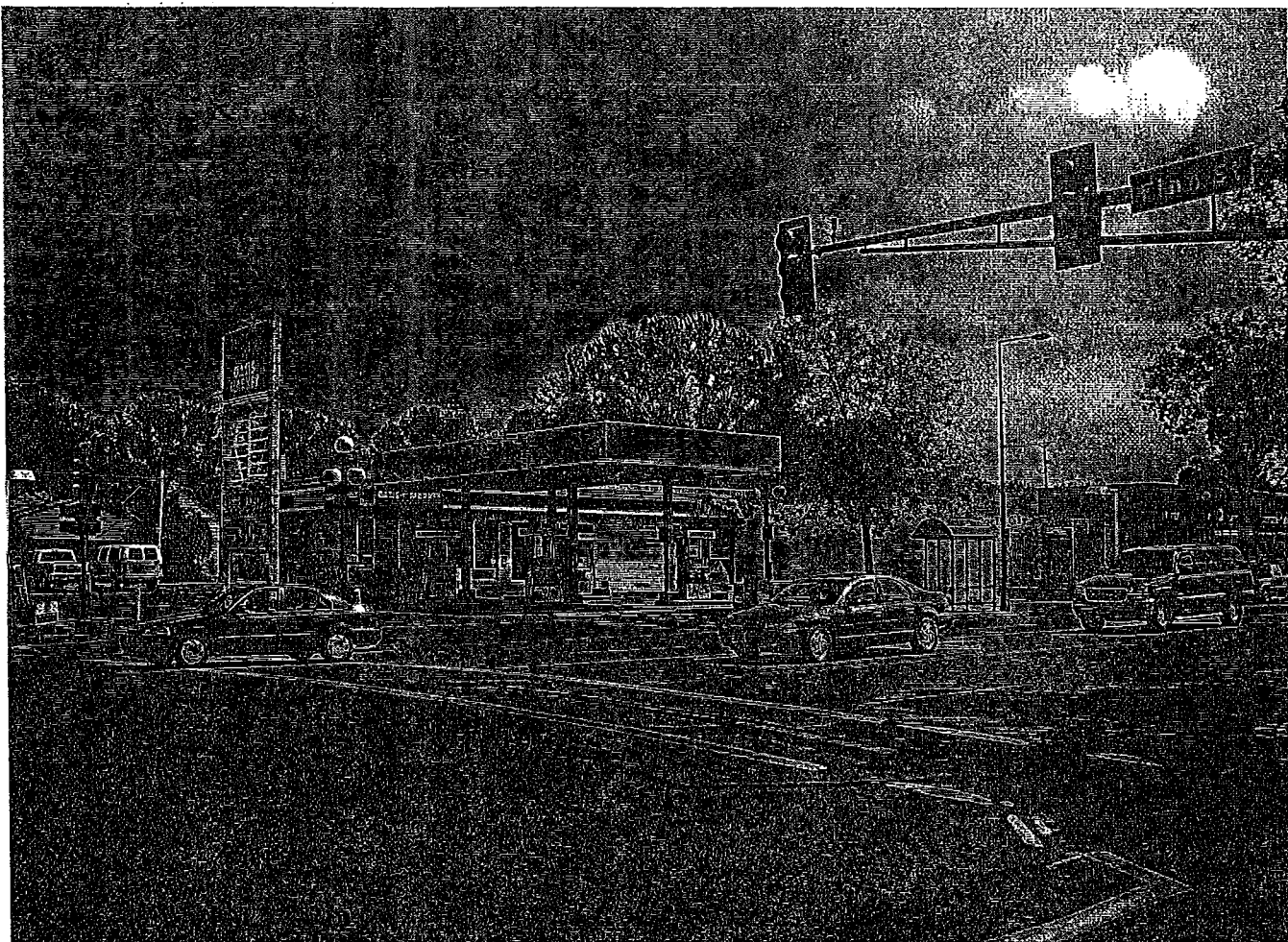
Landscape plan

GISmo Oblique Photography

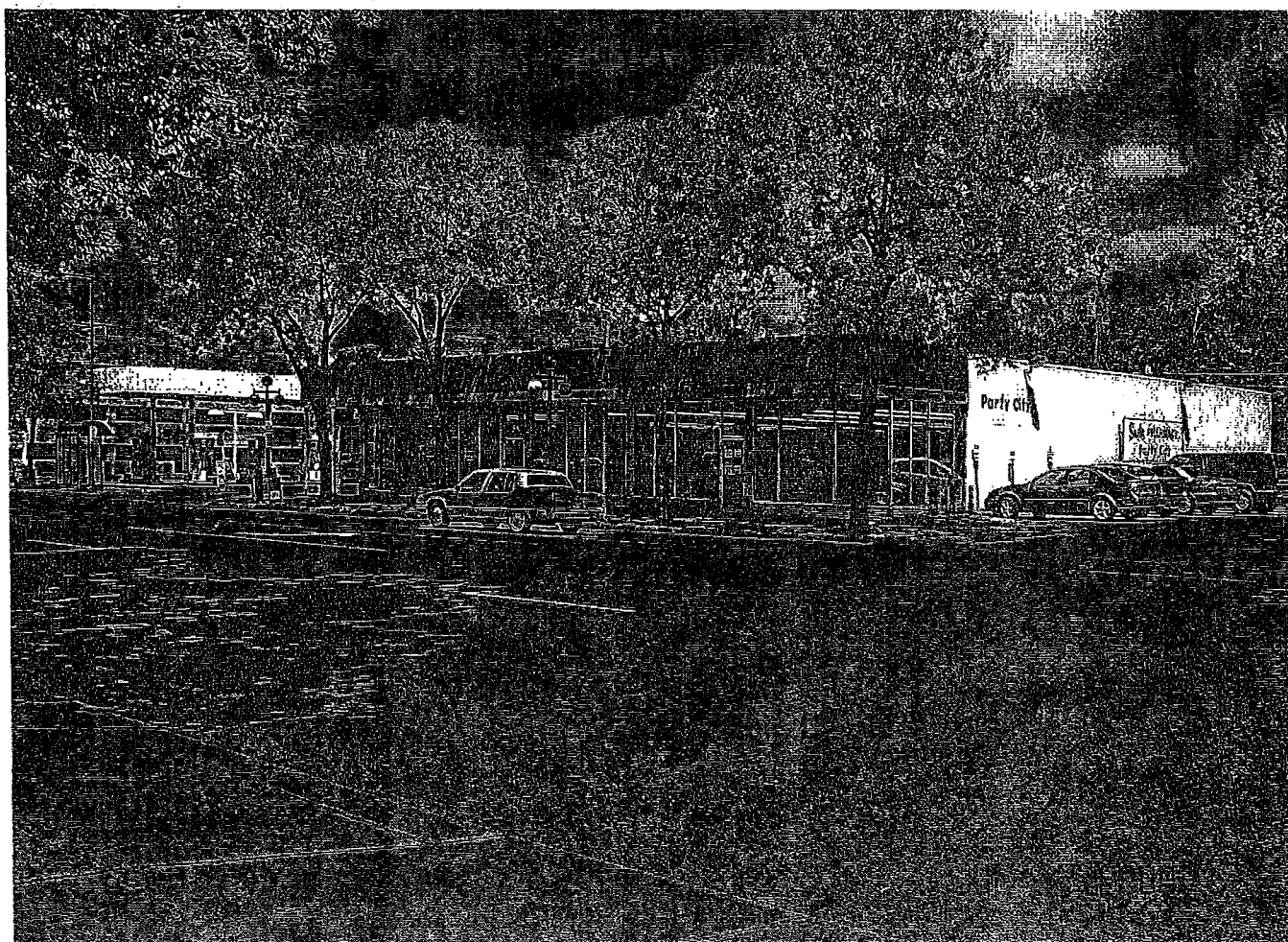
Images courtesy of: Microsoft® Virtual Earth™ 2006



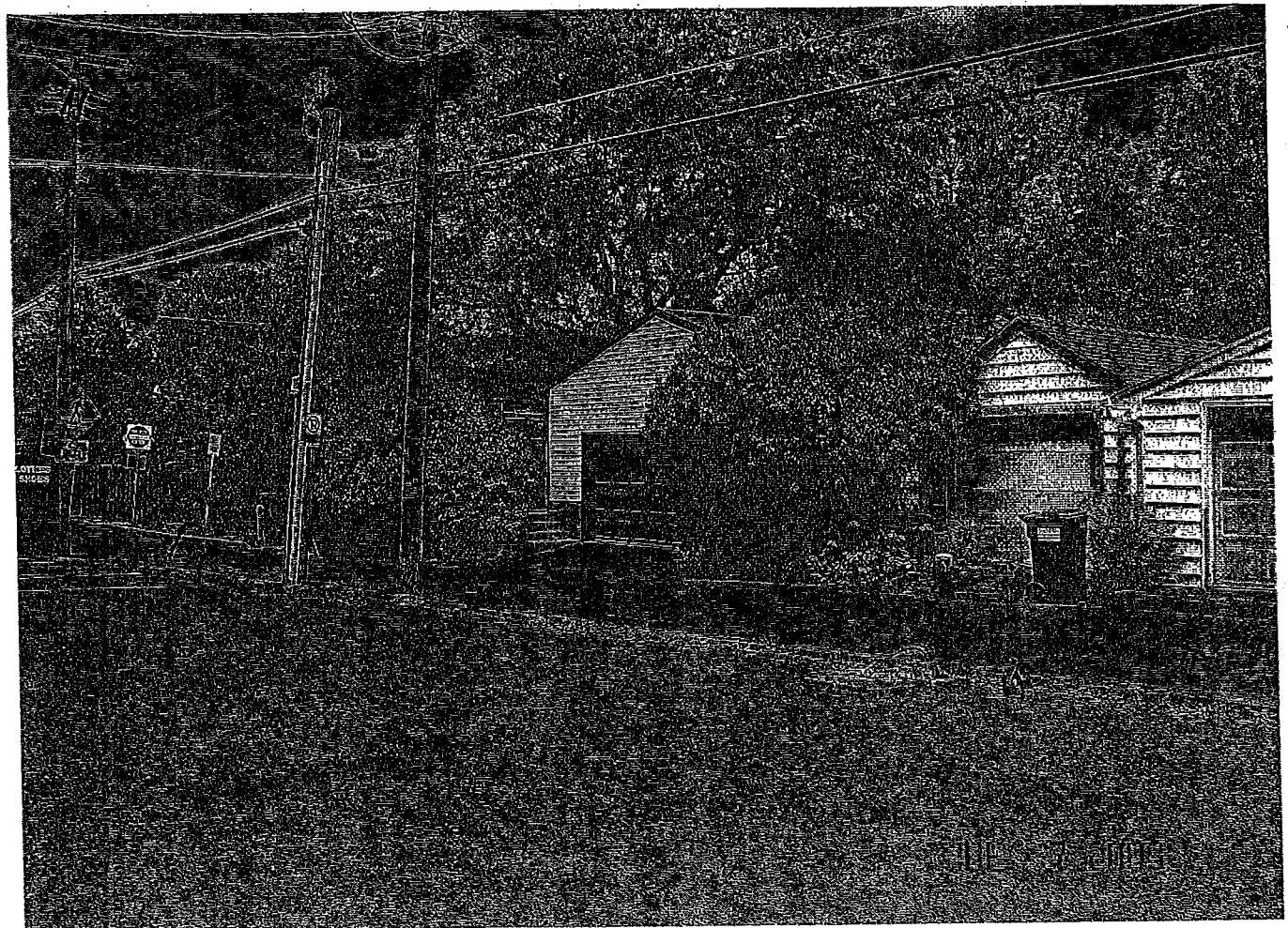
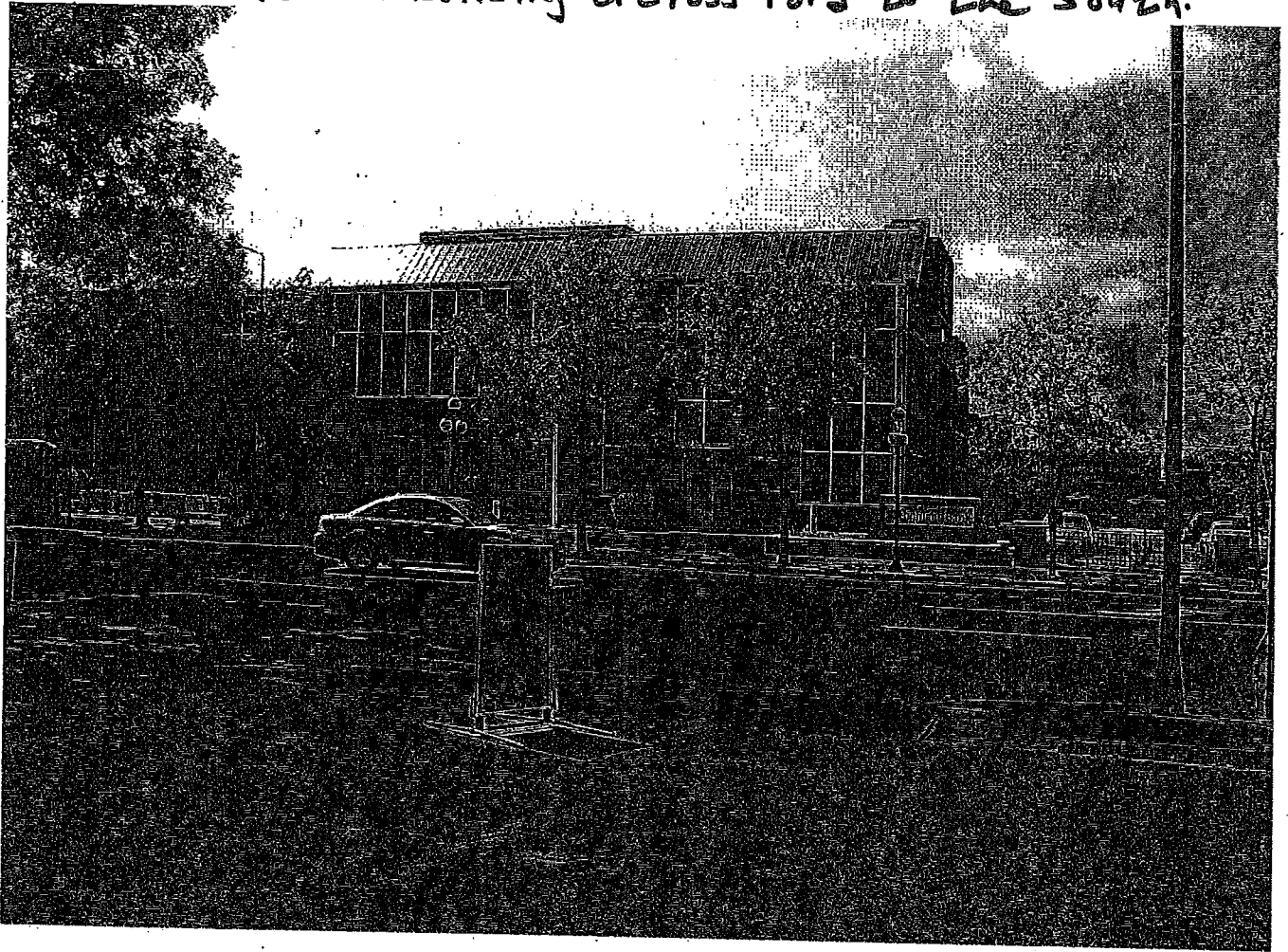
Looking north toward the site.



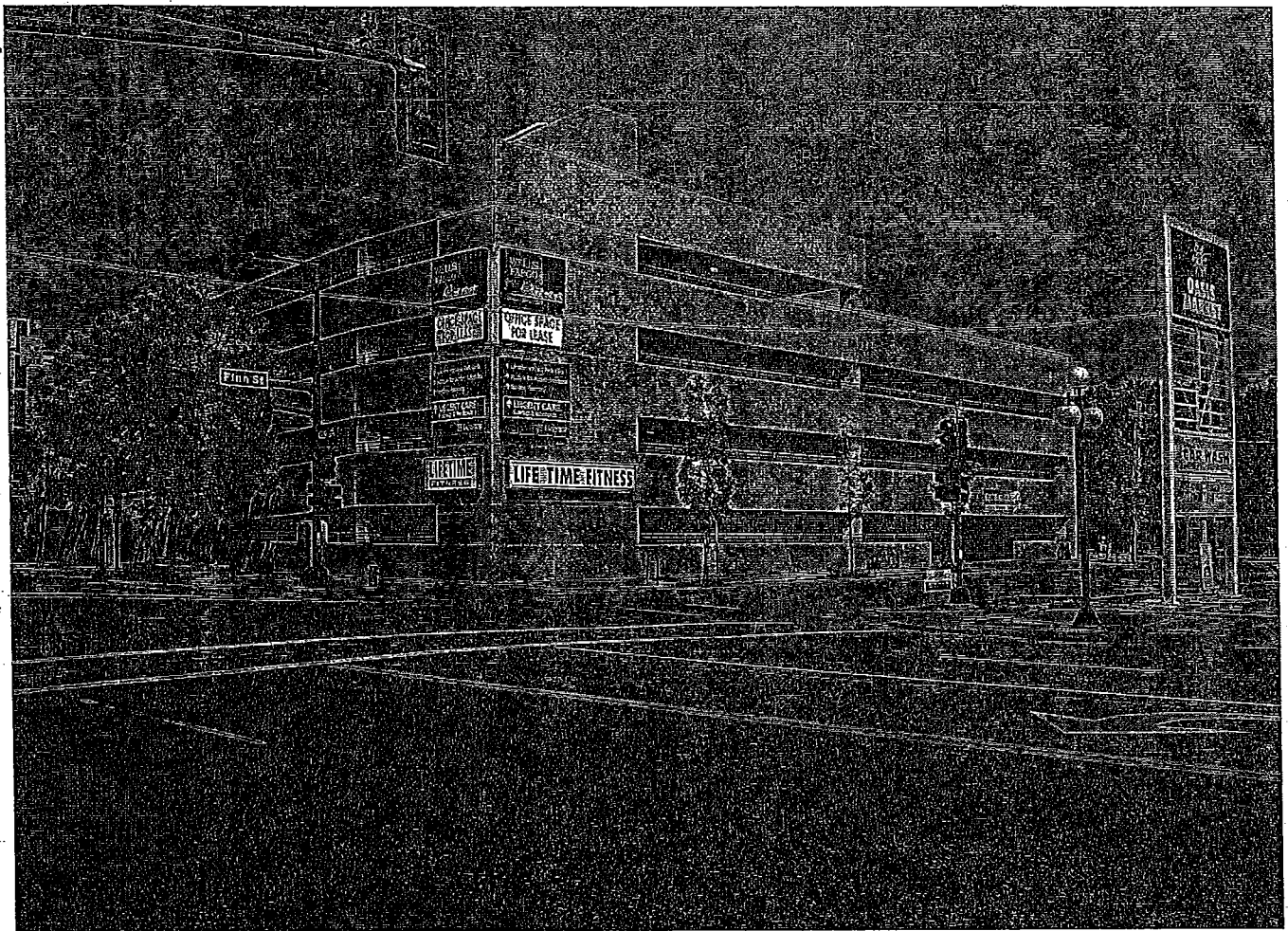
↕ Looking north across Ford Pkwy to the site.



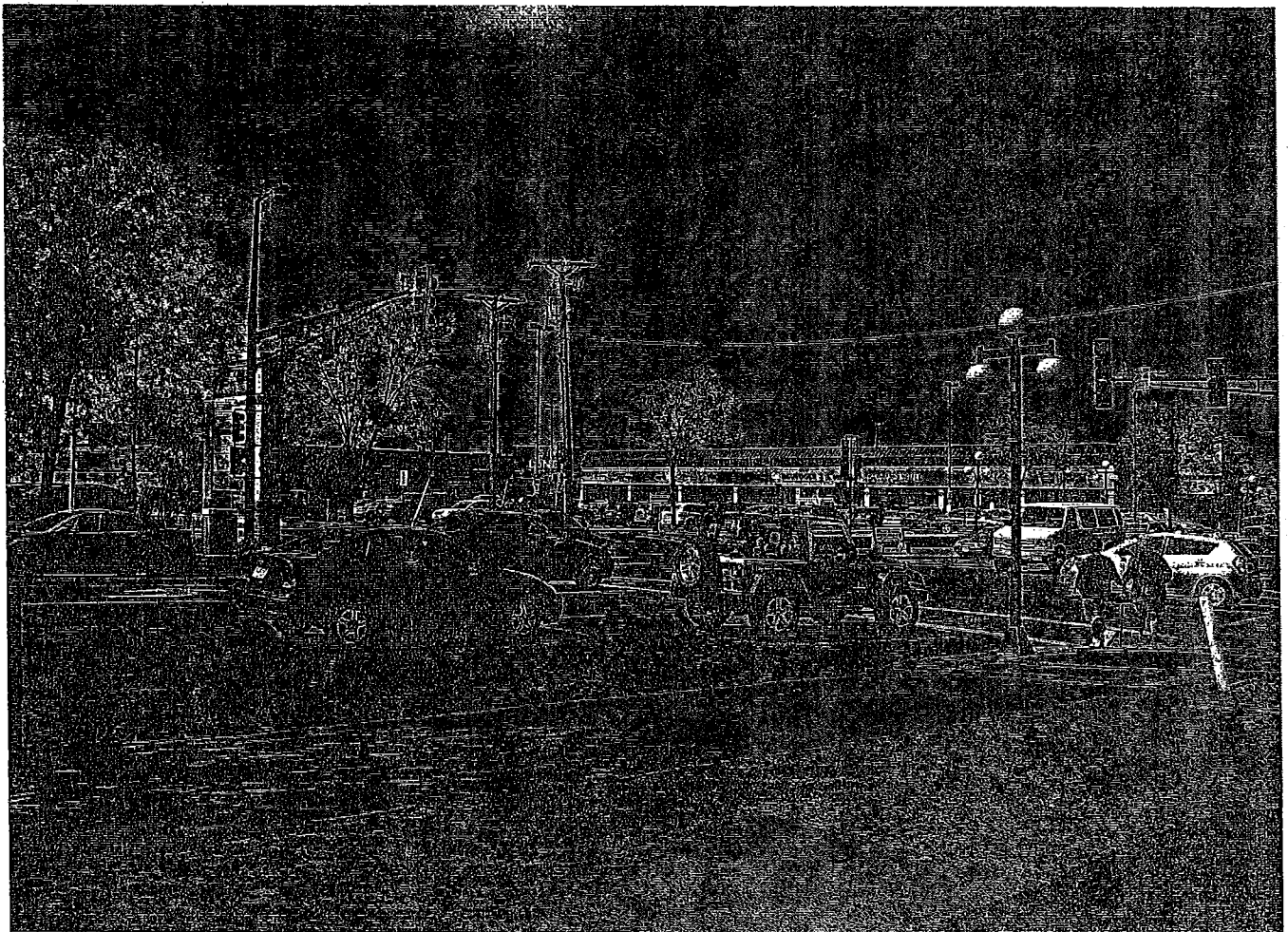
Bank building across Ford to the south.



Garages across the alley to the north



Parking ramp across Finn to the west

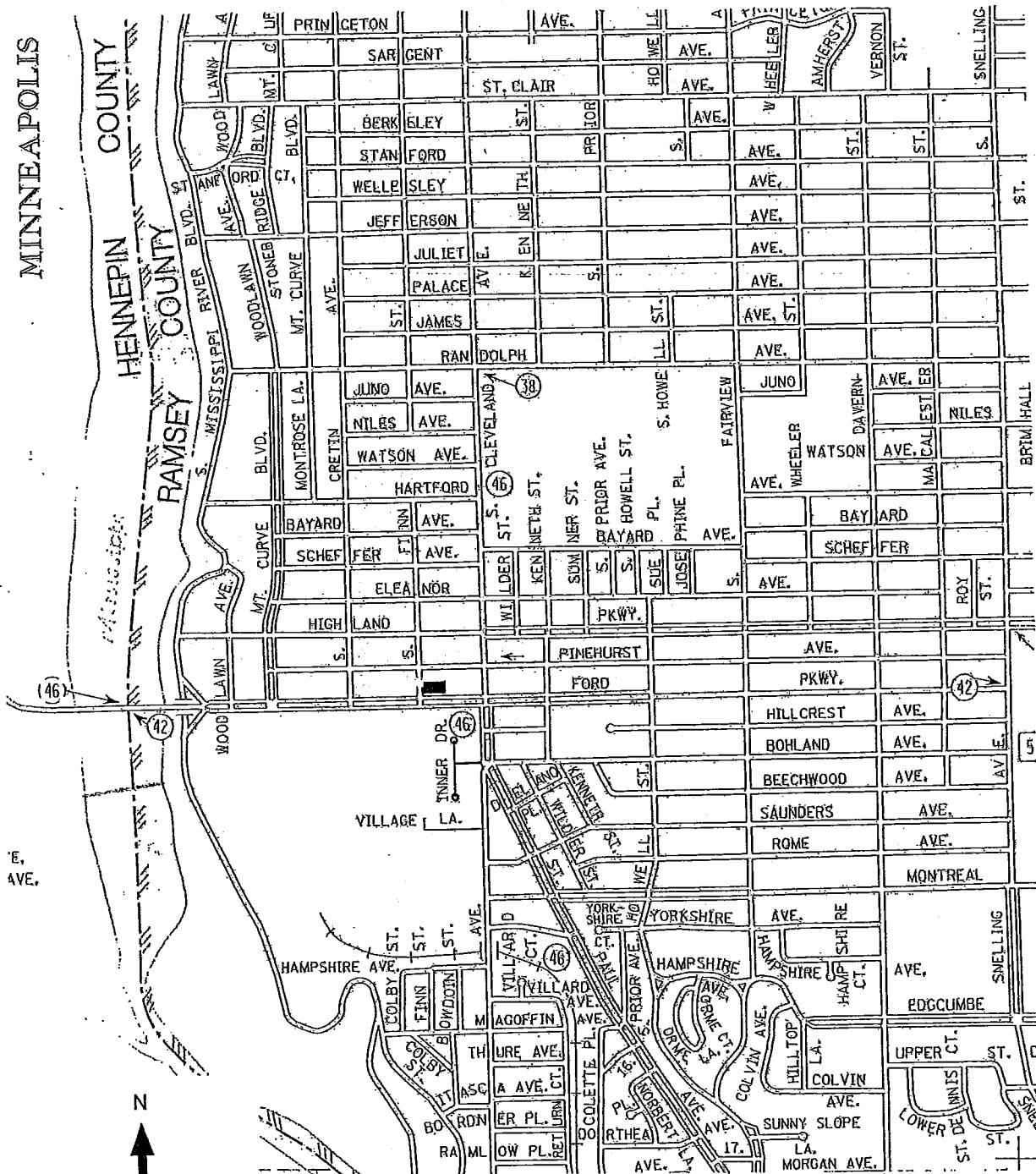


Shopping center across Ford to the southwest

MINNEAPOLIS

HENNEPIN COUNTY

RAMSEY COUNTY



APPROXIMATE SCALE



PROJECT LOCATION

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Nasseh and Gale Ghaffari Nikou
 2. **APPLICANT:** Nasseh Ghaffari Nikou **HEARING DATE:** September 10, 2009
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 835 Hawthorne Ave E, Between Arcade and Mendota
 5. **PIN & LEGAL DESCRIPTION:** 212922330152; WILDER'S ADDITION TO ST. PAUL, MINNESOTA LOTS 19 AND LOT 20 BLK 2
 6. **PLANNING DISTRICT:** 5 **EXISTING ZONING:** R4
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** September 2, 2009 **BY:** Luis Pereira
 9. **DATE RECEIVED:** August 4, 2009 **60-DAY DEADLINE FOR ACTION:** October 3, 2009
-

- A. **PURPOSE:** Rezoning from R4 (single-family residential) to VP (vehicular parking).
- B. **PARCEL SIZE:** 9,583 square feet (0.22 acres), with 80 feet of frontage on Hawthorne Ave E.
- C. **EXISTING LAND USE:** Vacant, vegetated lots
- D. **SURROUNDING LAND USE:**
 - North: Multifamily (R4) and Single family detached house (R4)
 - East: Single family detached house (R4)
 - South: Dental clinic (TN2)
 - West: Auto sales use (TN2)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The property at 1236 Arcade Street, currently Heartland Auto Sales, has a history of various uses. In 1952, a filling station was approved on the site; in 1964, a trailer rental (U-Haul) business was added to the site; a 1971 remodel of the existing filling station shows the adjacent property to the east (835 Hawthorne Ave E) as vacant.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The Payne Phalen District 5 Planning Council provided a written recommendation of approval of this application on 9/2/09.
- H. **FINDINGS:**
 1. The applicants, Nasseh and Gale Ghaffari Nikou, seek to rezone property at 835 Hawthorne to VP Vehicular Parking district and subsequently sell the same property to Vacharee Peterson, owner of a community dental clinic located across the street at 828 Hawthorne for the clinic's use as off-street parking. The property is currently a vacant undeveloped lot.
 2. The proposed zoning is consistent with the way this area has developed. Several commercial properties in the immediate area along Arcade Street have developed parking lots in the rear, including those at the corner of Arcade and Maryland. More specifically, there is a precedent for VP zoning district on Hawthorne on the west side of Arcade, to the rear of a funeral home property zoned TN2. The VP zoning district extends up to 200' back behind from the front property line of the funeral home on Arcade Street.
 3. The proposed zoning is consistent with the Comprehensive Plan. The Arcade Street Small Area Plan Summary includes a land use policy that allows for parking to be created to support existing and redeveloped buildings along Arcade Street. The policy

indicates this can be accomplished by acquiring parcels to the rear of the buildings, up to 120 feet from the rear commercial property line (the width of three standard residential lots measuring 40 feet wide). Given that the property at 835 Hawthorne Ave E. is currently vacant and its width is 82 feet measured from the rear commercial property line (zoned TN2), the proposal to rezone to VP for off-street parking is consistent with this policy.

The proposed rezoning to VP district is consistent with City's draft Land Use Plan policies 1.22, which states that development along corridors such as Arcade Street should recognize community circumstances and preferences as stated in City adopted summaries of small area plans and City adopted summaries of district plans, as well as policy 1.23, which states that a mix of uses should be supported on corridors, with predominately commercial corridors including commercial office uses, as well as retail goods and services.

The proposed rezoning to VP district is consistent with existing Land Use Plan policy 5.6.1, which states that the City will support the provision of just enough commercial parking in small parking lots fitted into available space, located at the side or rear of buildings.

4. The proposed is compatible with the surrounding uses, including a auto-oriented use that fronts on Arcade Street, and single family detached homes to the east and north and a multifamily use to the north. The VP zoning district allows for off-street parking to "serve a use district which as developed without adequate off-street parking," and includes dimensional standards such as lot size and yard setbacks that ensure that the parking created can transition well to adjacent (typically residential) areas.
5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "*applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.*" The proposed VP district is not spot zoning. The rezoning to Vehicular Parking is supported in the adopted Arcade Small Area Plan. In addition, within the eastern side and front yard set backs, landscape buffering and visual screening will be provided, on the eastern property line in particular. The lot itself will alleviate on-street parking pressures, which will help ensure that the use will not dramatically reduce the value for uses specified on residential properties in the vicinity.
6. The petition for rezoning was found to be sufficient on August 12, 2009: 20 parcels eligible; 14 parcels required; 14 parcels signed.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from R4 (single-family residential) to VP (vehicular parking).

**PETITION TO AMEND THE ZONING CODE**

Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6589

Zoning office use only
 File # 09-255093
 Fee: 1000.00
 Tentative Hearing Date: 9-10-09

RECEIVED**AUG 04 2009**

PD=

212922330152

APPLICANT

Property Owner Nasseh Ghaffari Nikou and Gale Ghaffari Nikou
 Address 1236 Arcade Street
 City St. Paul St. MN Zip 55106 Daytime Phone _____
 Contact Person (if different) Michael D. Klemm, Esq. Phone (952) 953-8832

PROPERTY LOCATION

Address / Location 1236 Arcade Street
 Legal Description Lots 19 and 20, Block 2, Wilder's Addition
to St. Paul Current Zoning R4
 (attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,
Nasseh Ghaffari Nikou and Gale Ghaffari Nikou, owner of land proposed for rezoning, hereby petitions you to
 rezone the above described property from a R4 zoning district to a VP
 zoning district, for the purpose of:

off-street parking facility for use in connection with the
 Community Dental Care clinic located at 828 Hawthorne Avenue East,
 St. Paul.

(attach additional sheets if necessary)

Attachments as required: ☐ Site Plan☐ Consent Petition☐ Affidavit

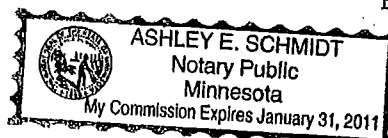
CK
 24752
 1000.00
 pd
 8-4-09

Subscribed and sworn to before me
 this 5 day
 of February, 2009.

By: Gale A. Ghaffari-Nikou
 Fee Owner of Property

By: Nasseh Ghaffari-Nikou
 Fee Owner of Property

Ashley E. Schmidt
 Notary Public



From: Vacharee Peterson <vachareepeterson@hotmail.com>
To: <patricia.james@ci.stpaul.mn.us>, <tom.beach@ci.stpaul.mn.us>, <anton.je...
CC: <maggie@cdentc.org>, Roger Swagger <roger@karkela.com>
Date: 6/1/2009 9:53 PM
Subject: RE: Community Dental Care - rezoning for parking lot

Our clinic has 14 parking spaces for about 35 FTE employee and seeing about 80-90 patients per day. Our office space and our 16 dental operatories occupy about 7,600 sq ft, there are an additional space of 2,500sq ft in the basement use for storage and staff lounge. We have yet more space of 1,000 sq ft for mechanical room. Total square feet is 11,100.

Hope this help.

Vacharee Peterson

Date: Mon, 1 Jun 2009 17:46:53 -0500
From: Patricia.James@ci.stpaul.mn.us
CC: maggie@cdentc.org; vachareepeterson@hotmail.com; roger@karkela.com
Subject: RE: Community Dental Care - rezoning for parking lot
To: Tom.Beach@ci.stpaul.mn.us; Anton.Jerve@ci.stpaul.mn.us; KlemmM@SeversonSheldon.com

Mr. Klemm,
We discussed the needed information in detail with John Bertrleman on May 13. In general, we will need to understand the parking requirement for the dental office (I understand it occupies the entire building), which is based on the gross floor area of the building. (The parking requirement is 1 space per 250 sq. ft. of gross floor area.) We also need to understand how many parking spaces are provided on the site (for our purposes, we only count "unstacked" spaces, i. e., those that can be used without moving another car. This will give us the parking shortfall, which would be the reason the new parking lot is needed.

We will meet you at the site at 10:30 a.m. on June 11.

In order to get City Council approval of the rezoning, the Council will want to know how many spaces are needed vs. how many are available - why an additional 42 spaces are necessary.

Patricia James
Principal City Planner
Department of Planning & Economic Development
25 West 4th Street, Suite # 1400
Saint Paul, MN 55102
Tel: 651-266-6639
Fax: 651-228-3220
patricia.james@ci.stpaul.mn.us

Saint Paul - The Most Livable City in America

>>>

From:
"Klemm, Michael" <KlemmM@SeversonSheldon.com>

To:

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED:

8/4/09

DATE PETITION RESUBMITTED: _____

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: _____

20

PARCELS ELIGIBLE: _____

PARCELS REQUIRED: _____

14

PARCELS REQUIRED: _____

PARCELS SIGNED: _____

14

PARCELS SIGNED: _____

CHECKED BY: _____

Paul Dubruie L

DATE: _____

8-12-09

ZONING FILE _____

Zoning File #09-255-093

Nasseh and Gale Ghaffari-Nikou

Item	Consideration	Amount	Note
A	Zoning Code Parking Requirement for dental clinic	1 space/250 sf	
B	Clinic size (sf) <i>including:</i>	11,100	
C	16 dental operatories (sf)	7,600	<i>This is the base requirement.</i>
D	Basement storage & lounge (sf)	2,500	<i>For parking purposes, counted as self-storage - requires 1 space per 5,000 sf</i>
E	Mechanical room (sf)	1,000	<i>For parking purposes, counted as self-storage - requires 1 space per 5,000 sf</i>
F	Zoning Code Parking Requirement (off-street spaces)	30	
G	Existing onsite parking, 828 Hawthorne (non-stacked spaces)	12	
H	Zoning Code Parking Deficit (off-street spaces)	18	
I	Proposed new off-street parking, 835 Hawthorne Ave E (off-street spaces)	18	<i>Brings actual off-street parking into conformity with existing Zoning Code requirement</i>

Luis Pereira - Community Dental Care - Payne Phalen District Five Planning Council

From: "Klemm, Michael" <KlemmM@seversonsheldon.com>
To: "Vacharee Peterson" <vachareepeterson@hotmail.com>, "Roger Swagger" <Roger@karkela.com>
Date: 9/2/2009 12:20 PM
Subject: Community Dental Care - Payne Phalen District Five Planning Council
CC: "Luis Pereira" <Luis.Pereira@ci.stpaul.mn.us>, <maggie@cdentc.org>

Last night the District Five Planning Council approved the application for rezoning, subject to a condition that the rezoning will only be effective if the property is conveyed to Community Dental Care (or a similar condition, depending on what is acceptable to the St. Paul City Attorney).

The District Five Planning Council also approved the Plans dated August 26, 2009, subject to the following changes:

1. The plans will be revised to show the eight-foot-high fence near the east property line will be located 5 feet from the property line, as agreed by Community Dental Care and Sarah McDonagh to preserve the existing lilac bushes.
2. The plans will be revised to show small trees on the east side of the property, instead of the large trees indicated on the August 26 plans (which would have a large canopy reaching into Sarah McDonagh's yard and large roots that eventually may affect Sarah McDonagh's underground utilities or foundation).
3. The four parking spaces closest to the road will be removed from the plans, and one large tree marked on the plans for removal will remain.
4. I also informed the District Five Planning Council that the grading will be changed to elevate the east side of the property as much as possible without interfering with the drainage, so that the top of the fence will be as high as possible, as requested by Sarah McDonagh.

Roger, please coordinate the revised plans with Sarah McDonagh and the engineer assisting her, James McDonagh (651-222-8139), as well as with Tom Beach. My understanding is that we need to provide the final plans to City Planner Luis Pereira as soon as possible in connection with the September 10 hearing of the St. Paul Planning Commission Zoning Committee.

Michael D. Klemm, Esq.

Severson, Sheldon, Dougherty & Molenda, P.A.

7300 West 147th Street, Suite 600

Apple Valley, MN 55124

Office (952) 432-3136 **Fax** (952) 432-3780

Direct (952) 953-8832 **Mobile** (952) 212-4949

SEVERSON SHELTON

S S D M Attorneys | Advisors

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Fig. 1. View of 835 Hawthorne Ave E property, looking northwest, from Hawthorne Ave E. (adjacent house on the right side of the picture)

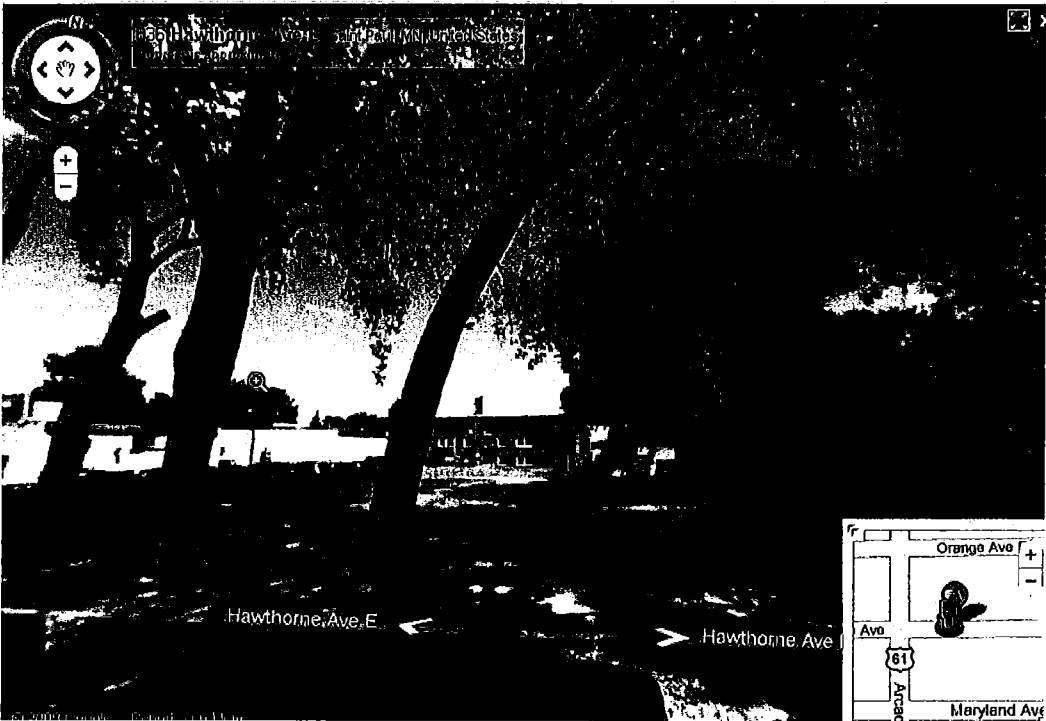


Fig. 2. View of 835 Hawthorne Ave E property, looking north

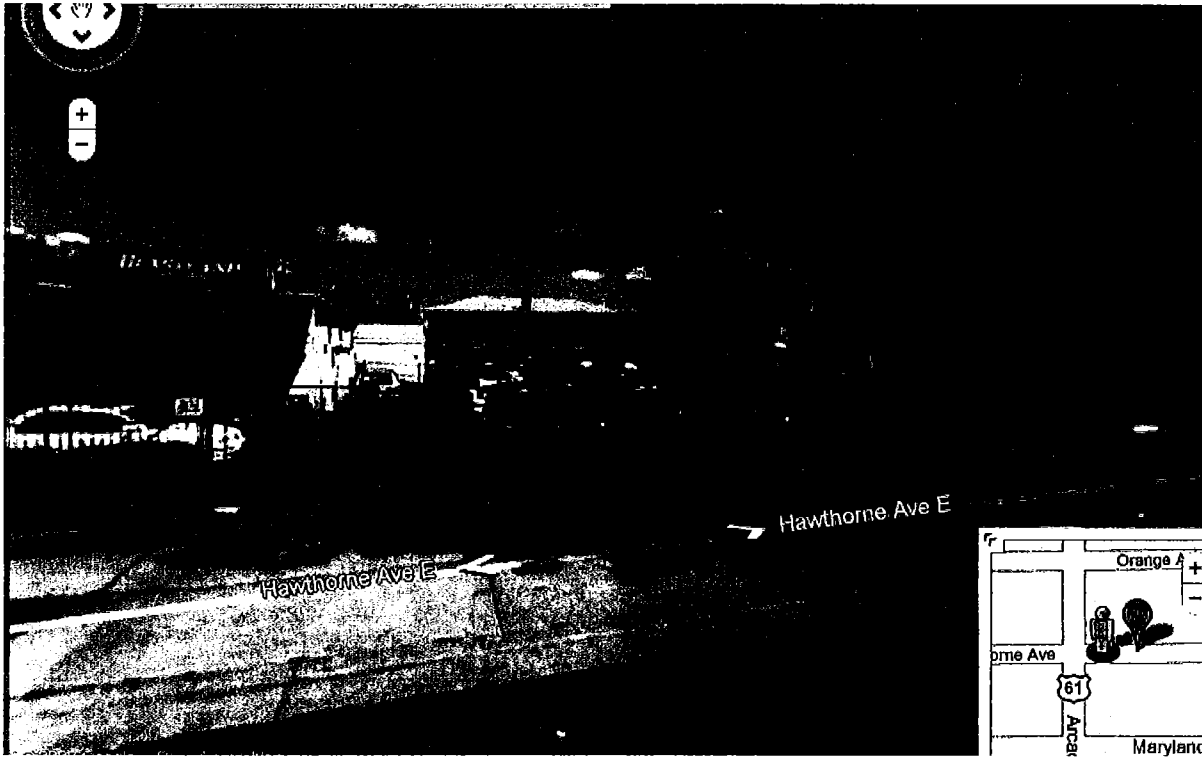


Fig. 3. View of property, looking northeast from auto sales use (835 Hawthorne Ave E property is on the right side of photo)

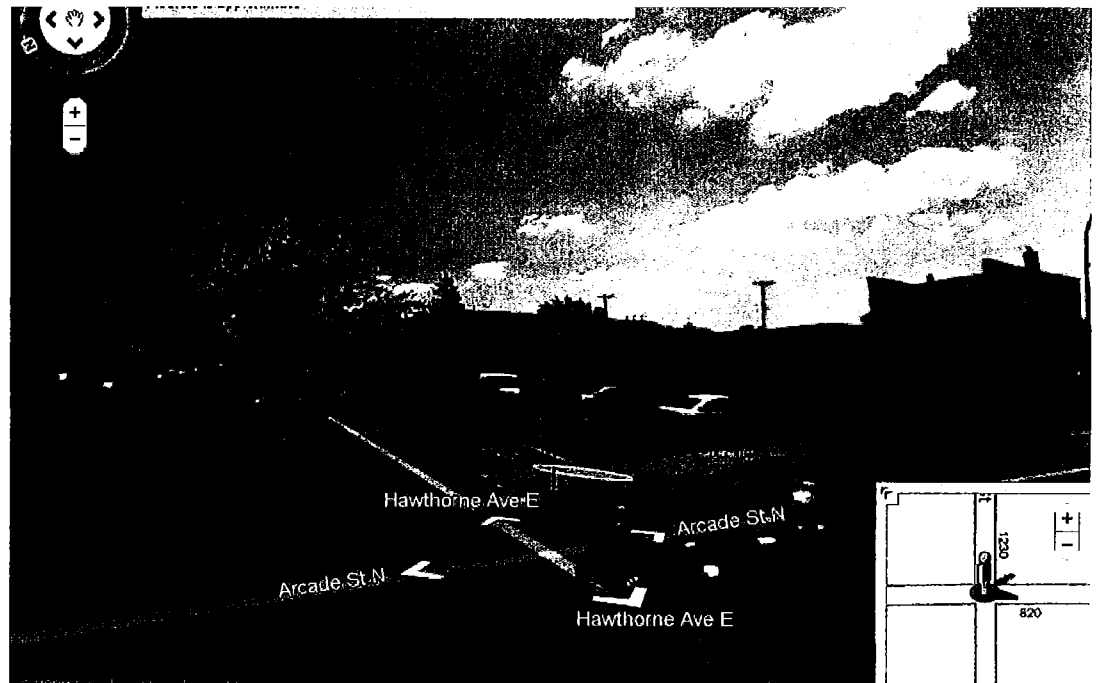
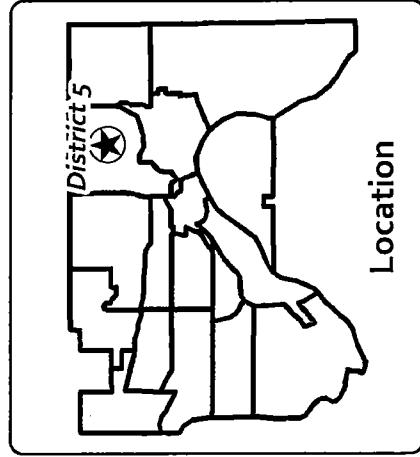


Fig. 4. View of dental clinic property at 828 Hawthorne Ave E, across the street from the proposed parking lot at 835 Hawthorne Ave E. (looking east)

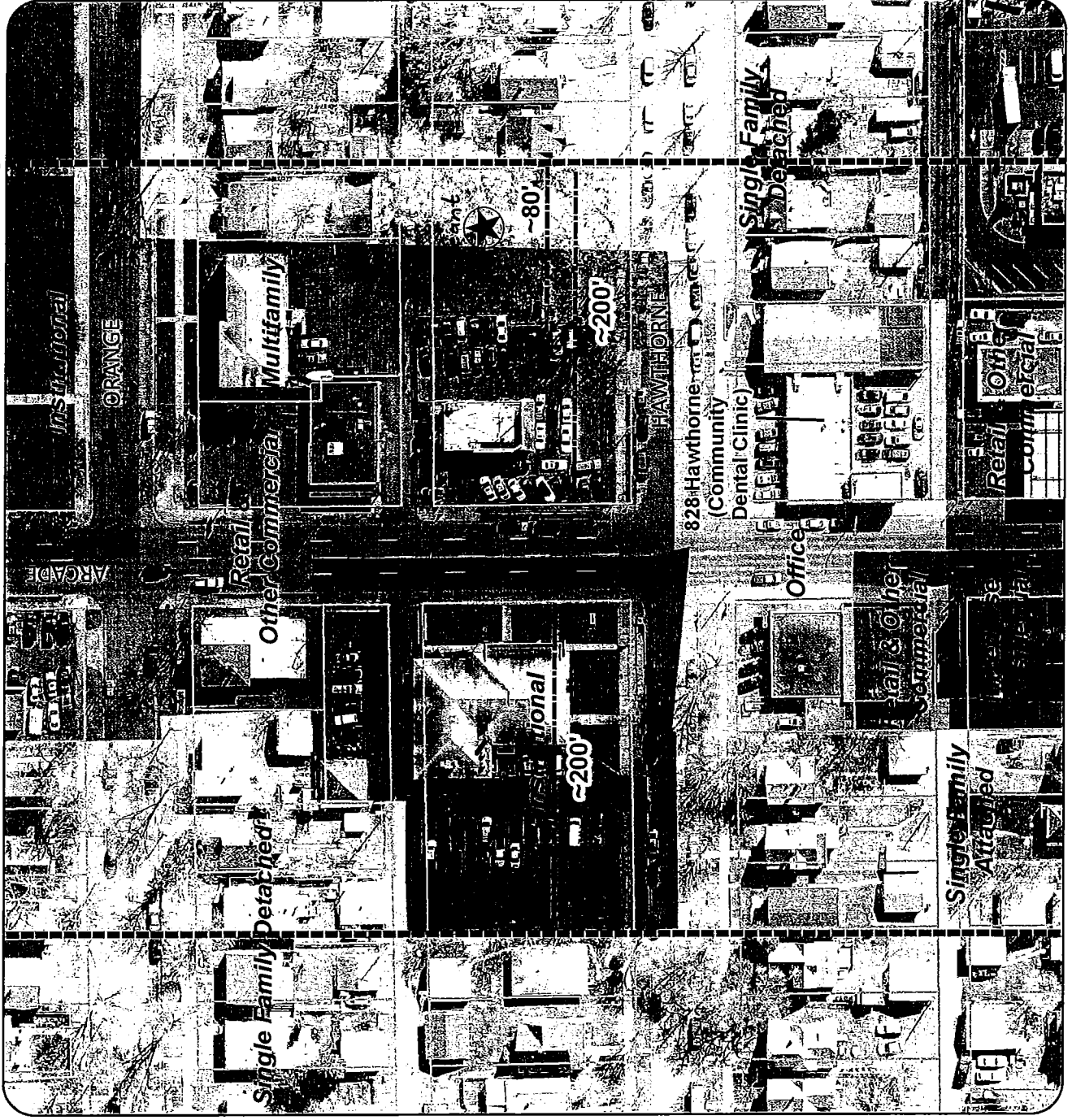
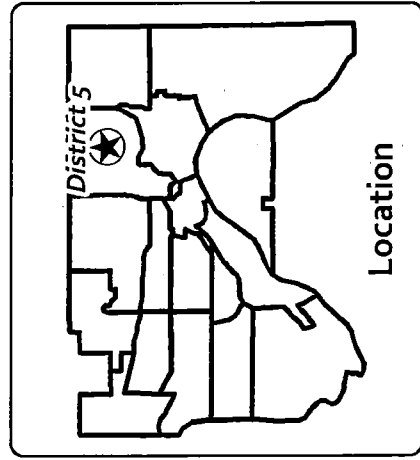
835 Hawthorne ★

Zoning and extent of rear parking areas measured from commercial frontages along Arcade Street



835 Hawthorne ★

Land Uses and extent of rear parking areas measured from commercial frontages along Arcade Street



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Twin Cities Real Estate Partners **FILE: #** 09-259-976
 2. **APPLICANT:** Twin Cities Real Estate Partners **HEARING DATE:** September 24, 2009
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit-Re-establishment
 4. **LOCATION:** 1112 Albemarle St.
 5. **PIN & LEGAL DESCRIPTION:** 252923110087; AUERBACH & HAND'S ADDITION TO THE CITY OF ST. PAUL LOT 13 BLK 11
 6. **PLANNING DISTRICT:** 6
 7. **ZONING CODE REFERENCE:** §62.109(d) **PRESENT ZONING:** RT1
 8. **STAFF REPORT DATE:** September 10, 2009 **BY:** Emily Goodman
 9. **DATE RECEIVED:** August 20, 2009 **60-DAY DEADLINE FOR ACTION:** October 19, 2009
-

- A. **PURPOSE:** Re-establishment of legal nonconforming use as a four-plex.
- B. **PARCEL SIZE:** 4980 sq. feet, with approximately 40 feet of frontage on Albemarle. Including ½ the alley increases the lot area to 5,380 sq. feet.
- C. **EXISTING LAND USE:** Vacant four-plex
- D. **SURROUNDING LAND USE:**
 - North: Two-family residential (RT1)
 - East: Traditional neighborhood (TN2)
 - South: Two-family residential (RT1)
 - West: Two-family residential (RT1)
- E. **ZONING CODE CITATION:** §62.109(d) lists the conditions under which the Planning Commission may grant a permit to re-establish a nonconforming use.
- F. **HISTORY/DISCUSSION:** There are no zoning actions or records for the property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council recommended approval.
- H. **FINDINGS:**
 1. The applicant is seeking a re-establishment of nonconforming use for a four-plex (comprised of four one-bedroom units), rather than convert it to a duplex (with one four-bedroom unit and one three-bedroom unit).
 2. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the re-establishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This condition is met. While the applicant submitted a proforma that indicates that a profit could still be made if the property were converted to a duplex, due to the length of time the property has been a four-plex and the existence and quality of the four separate kitchens, gas meters, and other features the conversion itself is costly and not reasonable.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This condition is met. The previous non-conforming use was also a four-plex.
 - (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This condition is met. The property has been used as a four-plex since at least 1988 without detrimental impact to public health, safety, or general welfare.

- (4) *The proposed use is consistent with the comprehensive plan.* This condition is met. Policy 5.3 of the adopted Housing Plan of the Comprehensive Plan (2002) states, "Encourage the production of rental housing." The four-plex would provide four rental units. A major-strategy of the draft Housing Chapter of the Comprehensive Plan is to "ensure the availability of affordable housing across the city" (p. 7). The rental units in the four-plex would be supportive of this goal. A key goal of the North End-South Como District Plan (2004) is to "promote life cycle housing" (p. 1). The single-bedroom units comprising of the four-plex contribute to a diversity of housing in the district, more able to accommodate individuals in various life stages.
- (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This condition is met. The petition was found sufficient on August 25, 2009: 13 parcels eligible; 9 parcels required; 10 parcels signed.

The application for the permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit.

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the re-establishment of nonconforming use as a four-plex.



NONCONFORMING USE PERMIT APPLICATION
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning Office Use Only

File #: 09-259976

Fee: _____
Tentative Hearing Date: 9/10/09

PD-6

#252923110087

APPLICANT

Name TWIN CITIES REAL ESTATE PARTNERS LLC
Address 130 LAKE STREET WEST
City WYAZATA St. MN Zip 55391 Daytime Phone 952-473-1000
Name of Owner (if different) SAME
Contact Person (if different) GEORGE NELSON Phone (612) 202-0690

PROPERTY LOCATION

Address/Location 1112 ALBEMARLE ~~AVENUE~~ ^{STREET}
Legal Description _____
Current Zoning RT1-R
(attach additional sheet if necessary) RT1

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☐ Change from one nonconforming use to another (para. c)
☒ Re-establishment of a nonconforming use vacant for more than one year (para. e)
☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
☐ Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use 2 UNIT BUILDING / 4 UNIT BUILDING (PAST)
Proposed Use 4 UNIT BUILDING

Attach additional sheets if necessary

We would like to operate this building as 4-1BR units, rather than convert it to a duplex - which would be 1-4BR and 1-3BR.

Attachments as required ☐ Site Plan ☒ Consent Petition ☒ Affidavit

Applicant's Signature George Nelson Date 8.4.09 City Agent add

**PRO FORMA INFORMATION SHEET
FOR DUPLEX AND TRIPLEX CONVERSION CASES
Continuation of Extra Units**

Required information	With Continuation of Extra Units in Structure	With Conversion of Structure to Legal Number of Units
<u>Income</u>		
Total monthly rent income for all units	\$ 2,400.	\$ 2,400
Monthly income from structure other than rent	-	-
Existing vacancy (if any) <i>Estimated 10%</i>	240	240
Effective gross income (EGI) / month ¹	\$ 2,160.	\$ 2,160.
Effective Gross Income / year	\$ 25,920.	\$ 25,920.
<u>Operating Expenses (Annual) ²</u>	\$	\$
Maintenance	2,400	2,400
Insurance	1,200	1,200
Utilities (only include amount paid by landlord)		
Other (identify) <i>Sewer, water, trash</i>	2,880	2,400
Taxes	4,800	4,800
<u>Net Operating Income (Annual) ³</u>	\$ 14,640.	\$ 15,120.
Monthly debt / mortgage payment	660.	660.
<u>Annual debt payment</u>	\$ 7,920.	\$ 7,920.
<u>Rehab projects</u>		
Total cost of improvements	20,000	40,000
Monthly rehab debt payment	132	264
<u>Annual rehab debt payment</u>	\$ 1,584.	\$ 3,168.
<u>Cash Flow: profit, (loss) ⁴</u>	\$ 5,136.	\$ 4,032.

NOTE: 1. Effective Gross Income = (Total rent income) - (Vacancy, if there is any)

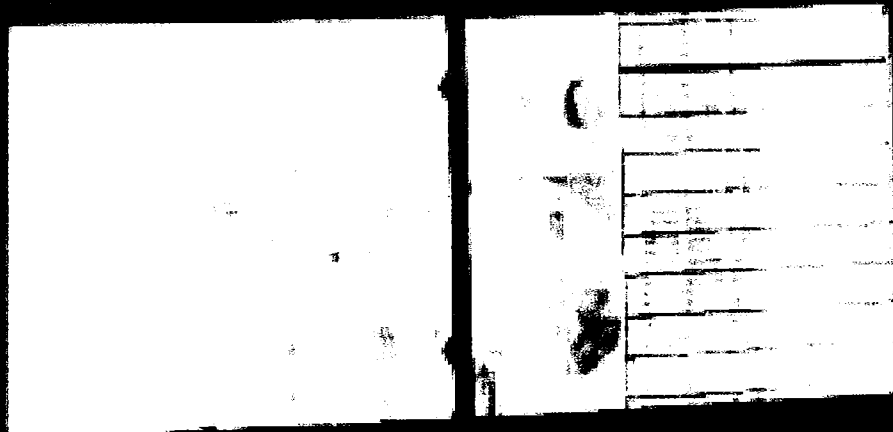
2. Operating expenses are the sum of the next five lines, incl maintenance, insurance, utilities, taxes and others

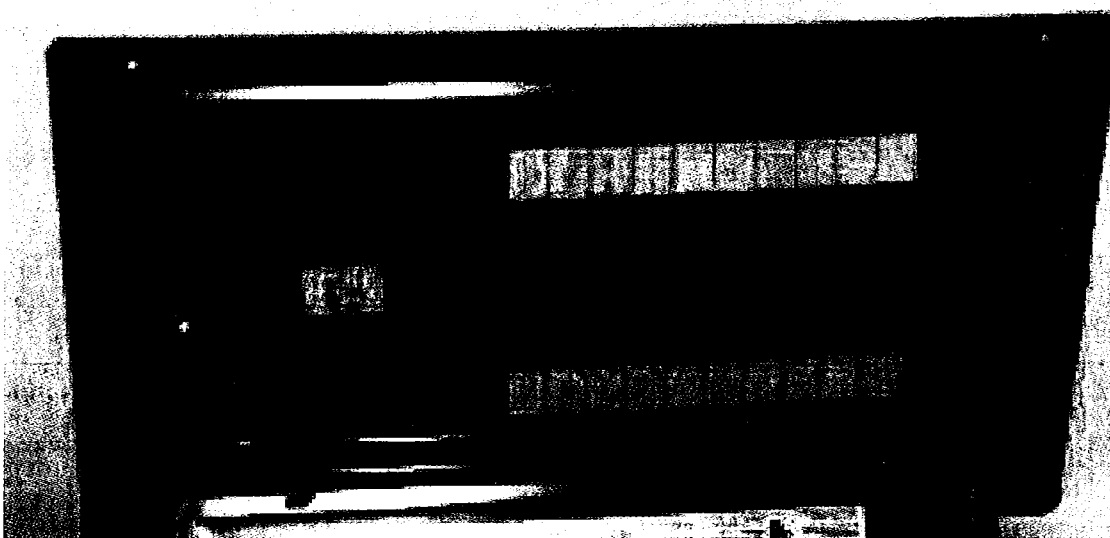
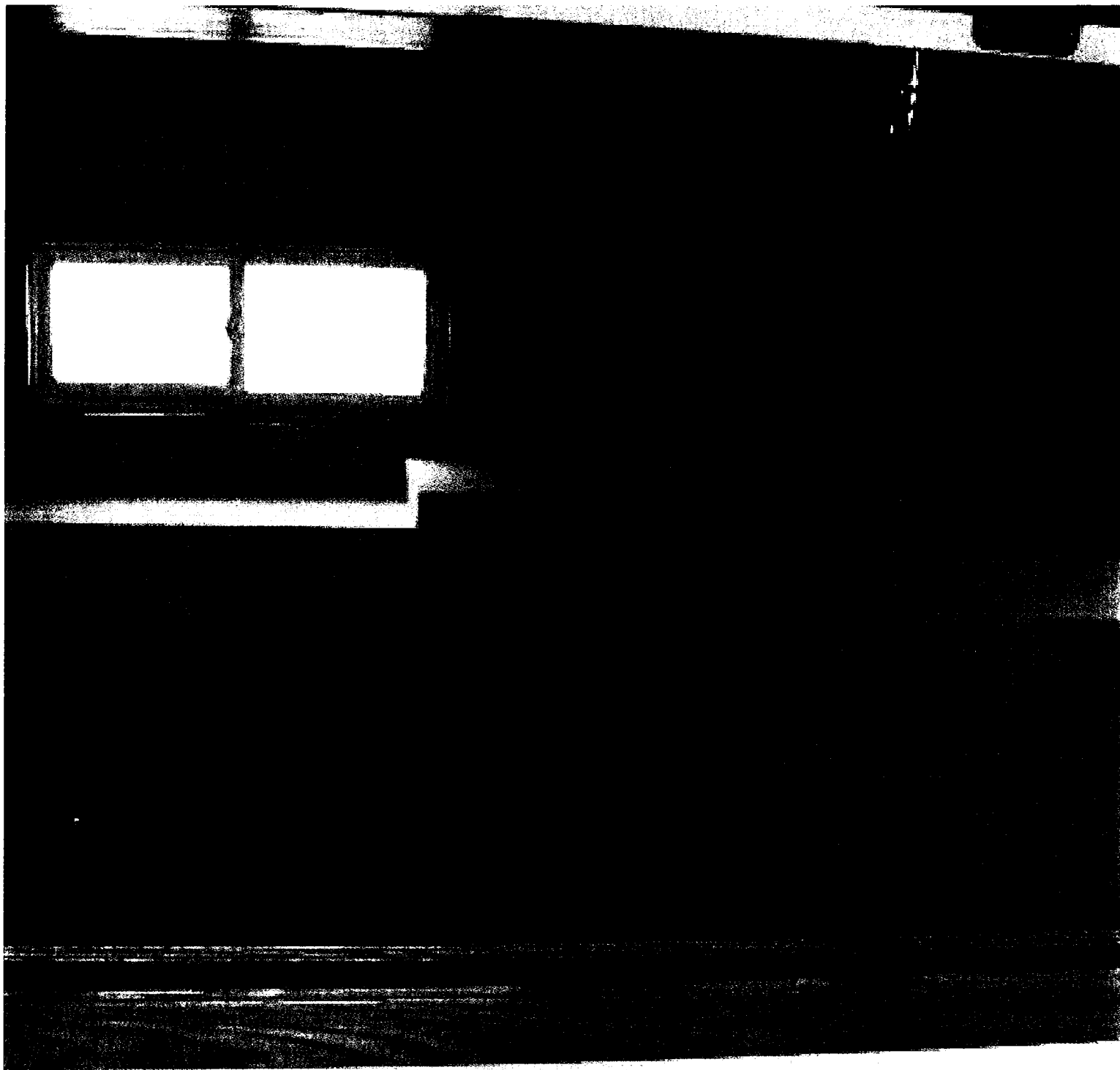
3. Net Operating Income = (Effective Gross Income) - (Operating Expenses)

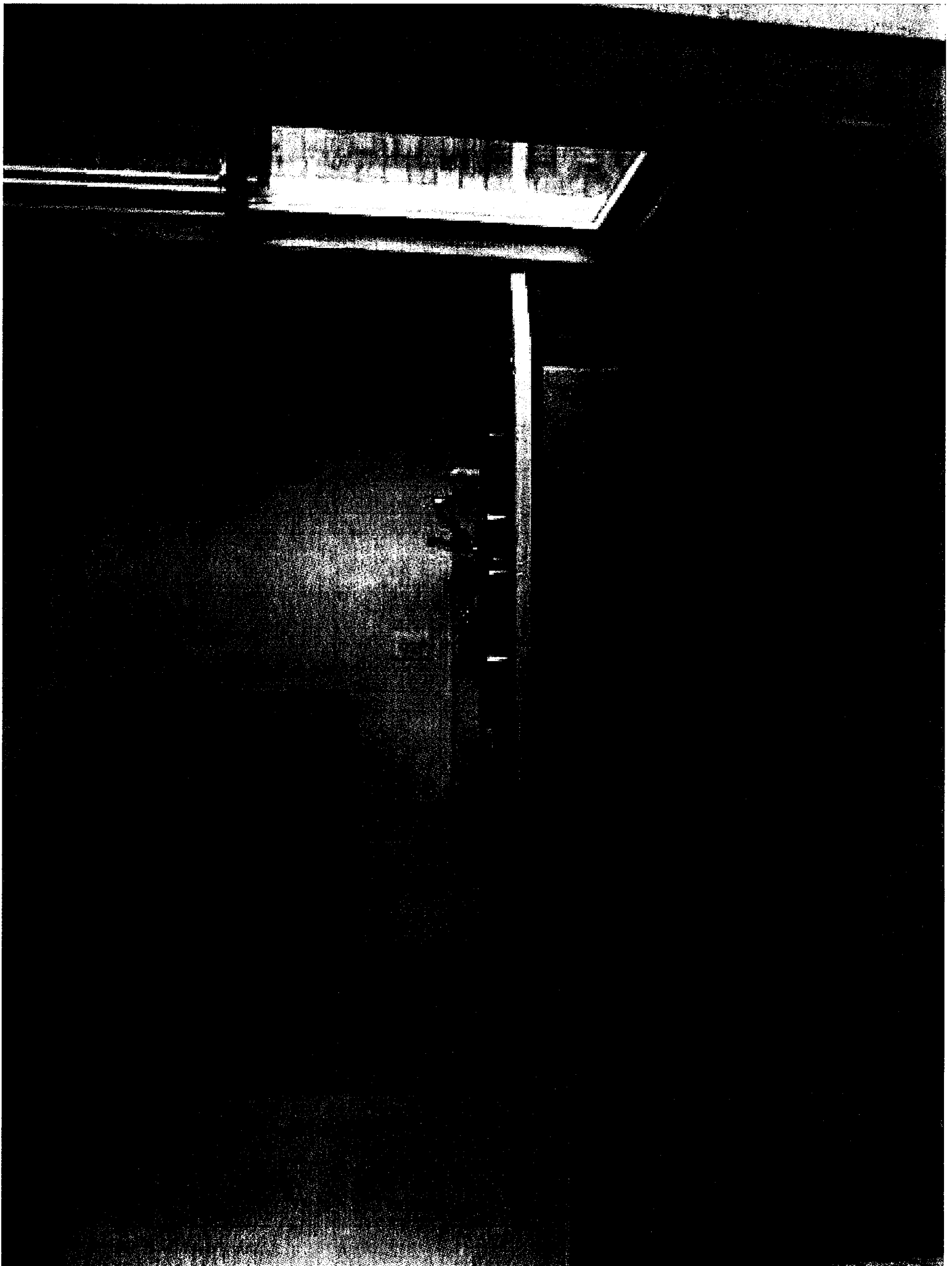
4. Cash Flow = (Net Operating Income) - (Annual debt payment)

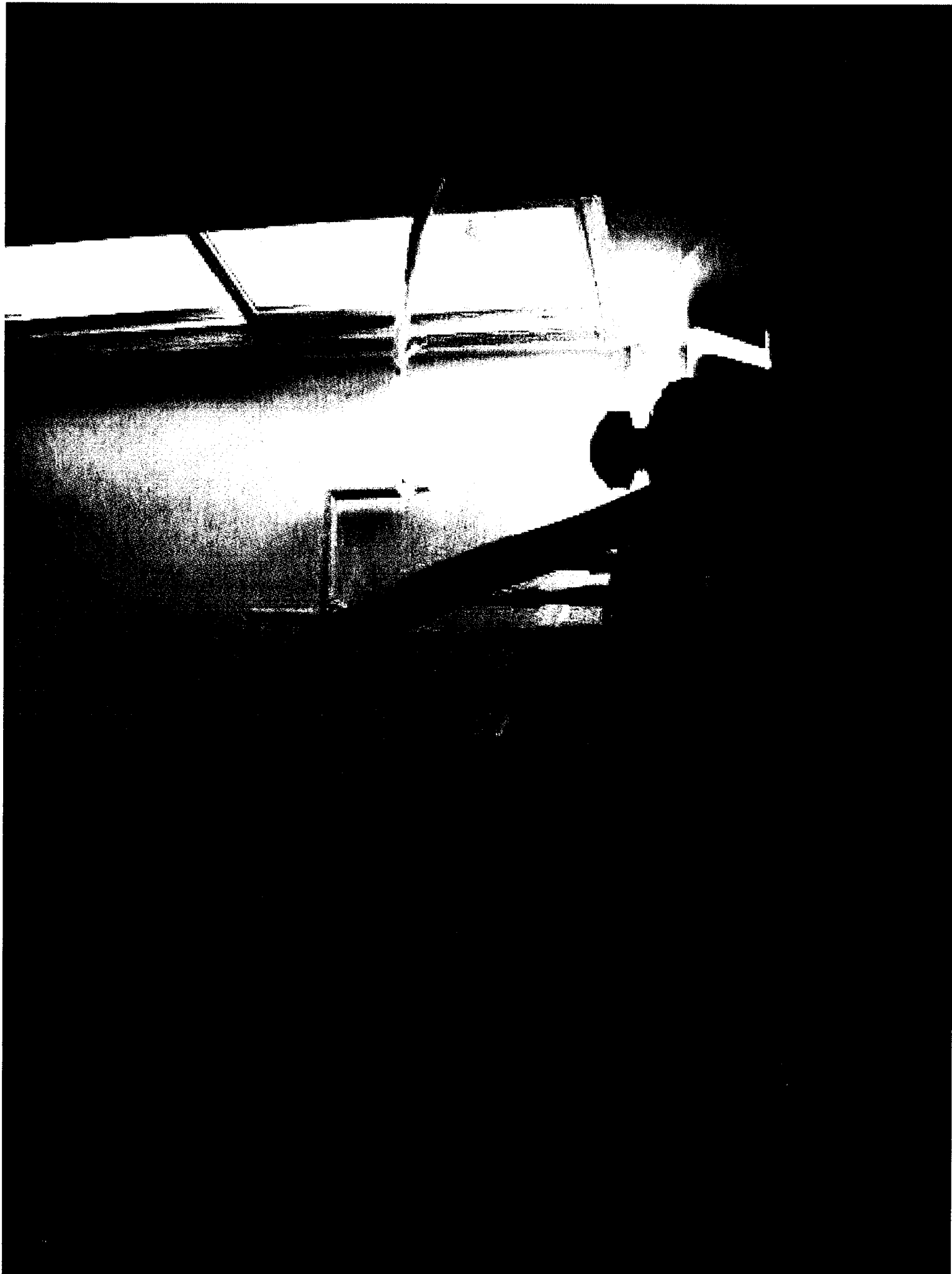


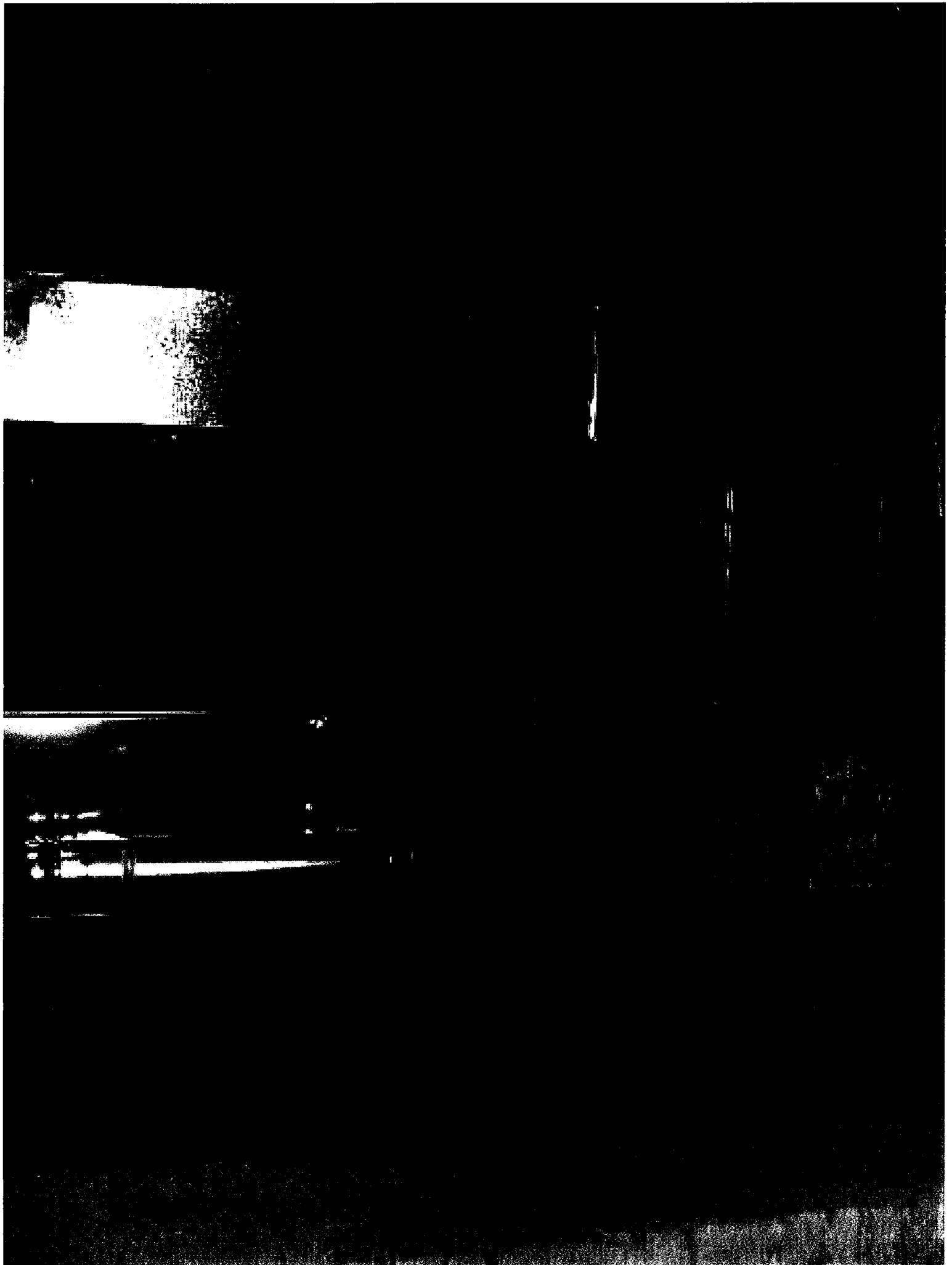




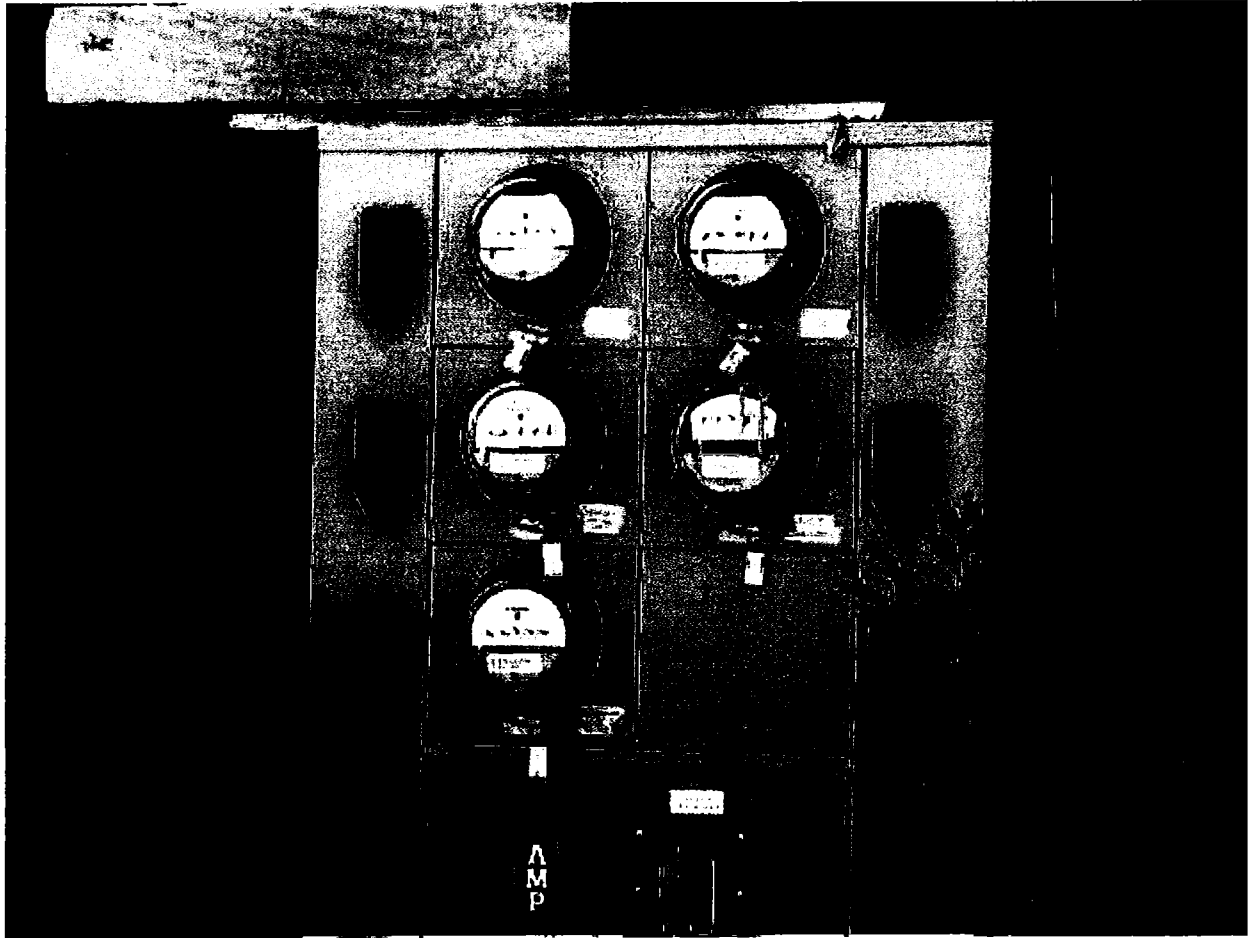












SITE PLANS

AND

FLOOR PLANS

1112 ALBEMARLE

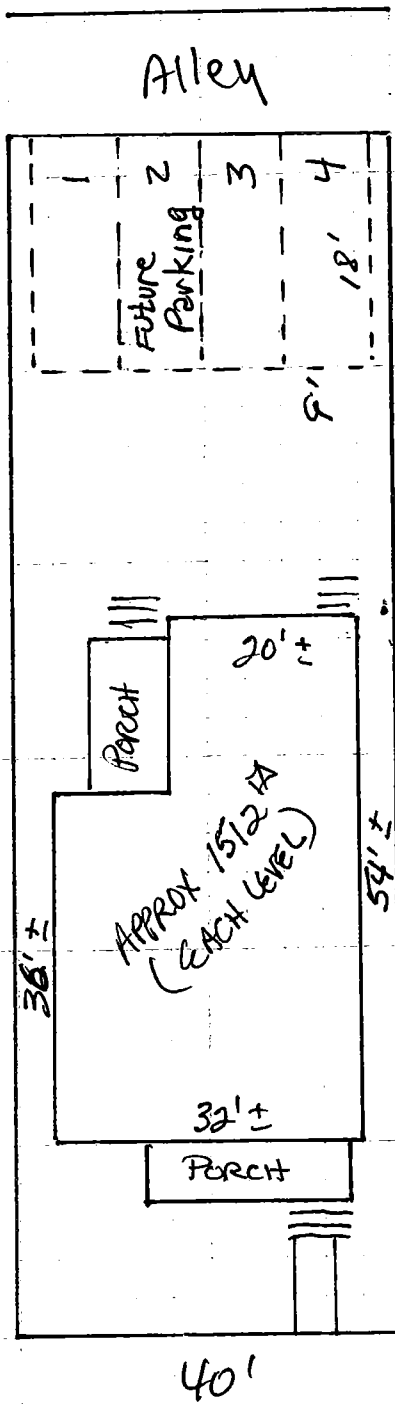
GEORGE NELSON

612-202-0690

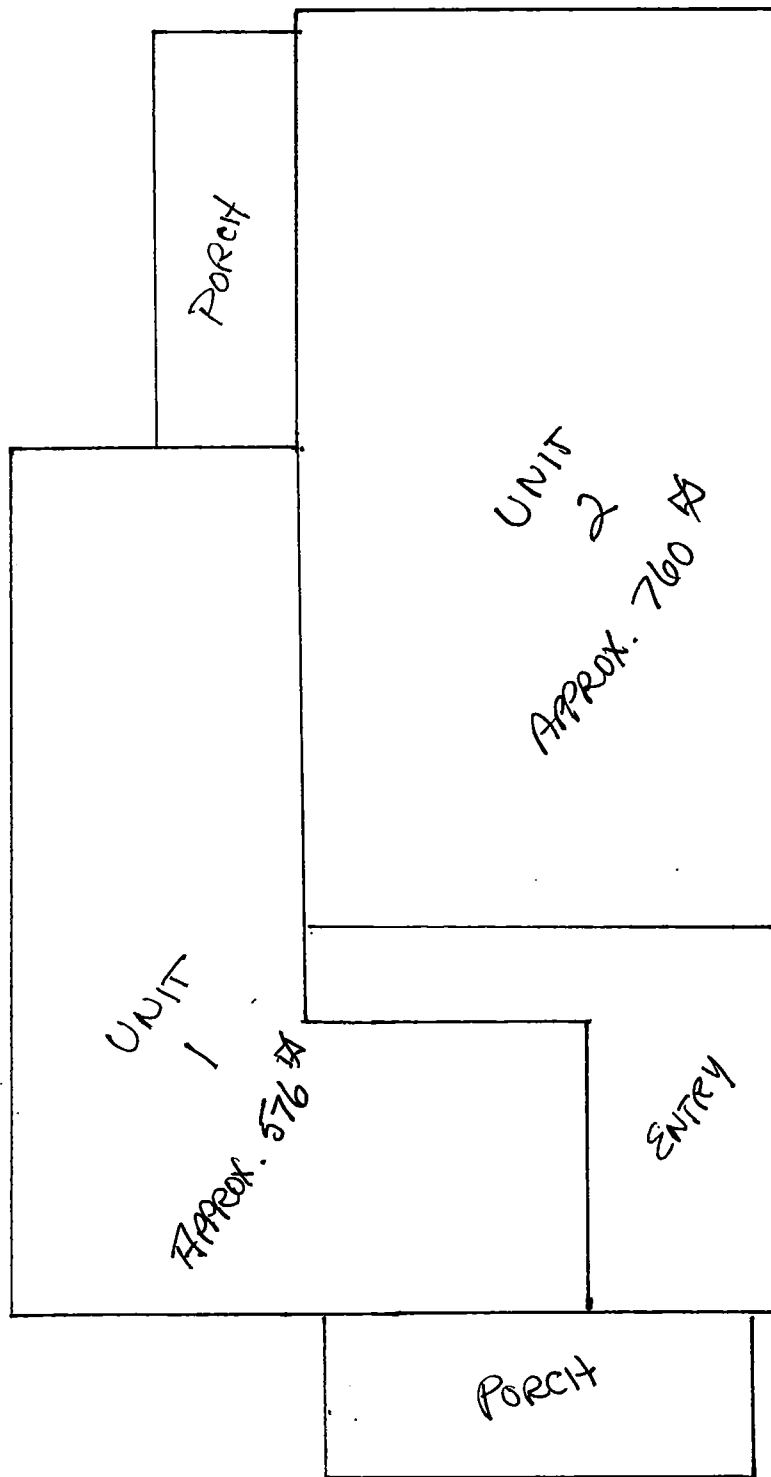
gnjr@hotmail.com

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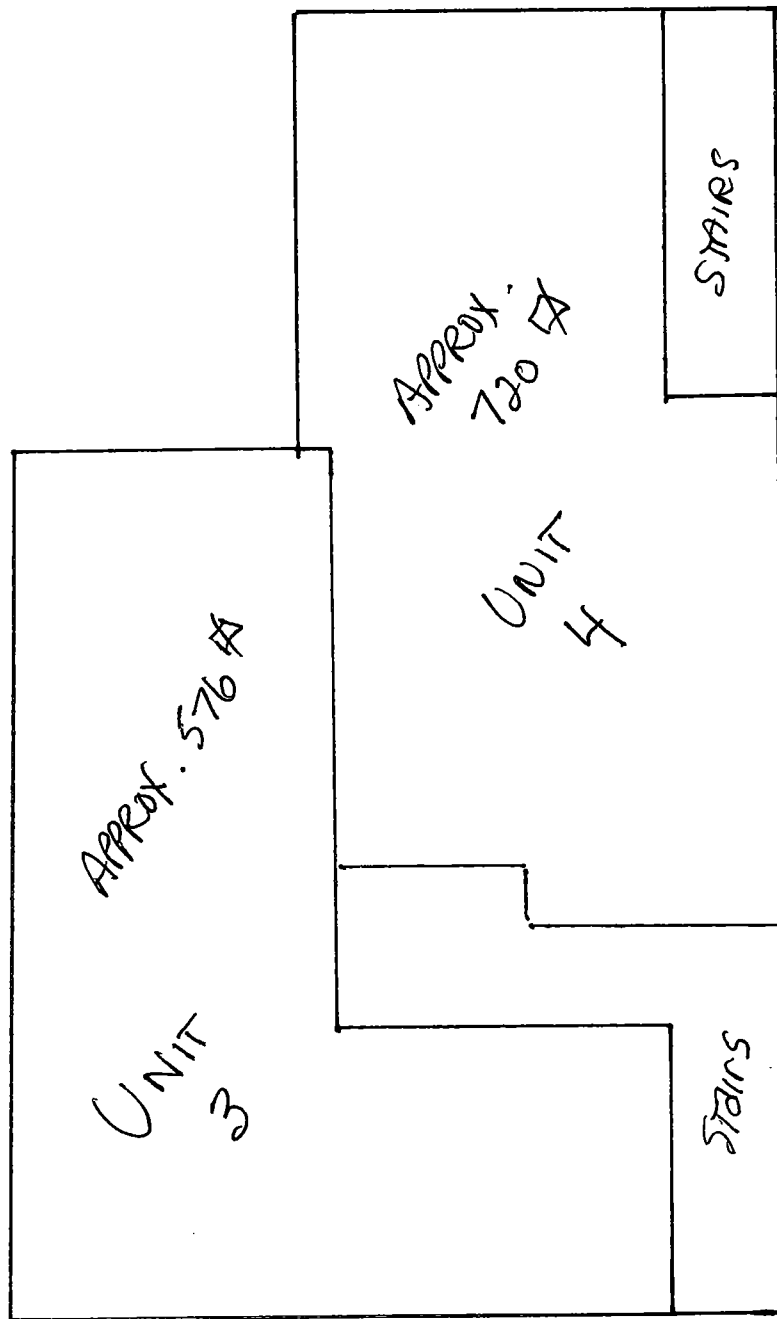
126'±



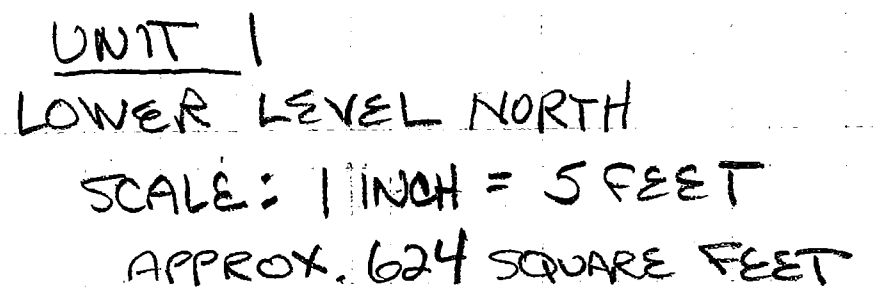
Site Plan
1112 Albemarle Ave
St. Paul, MN



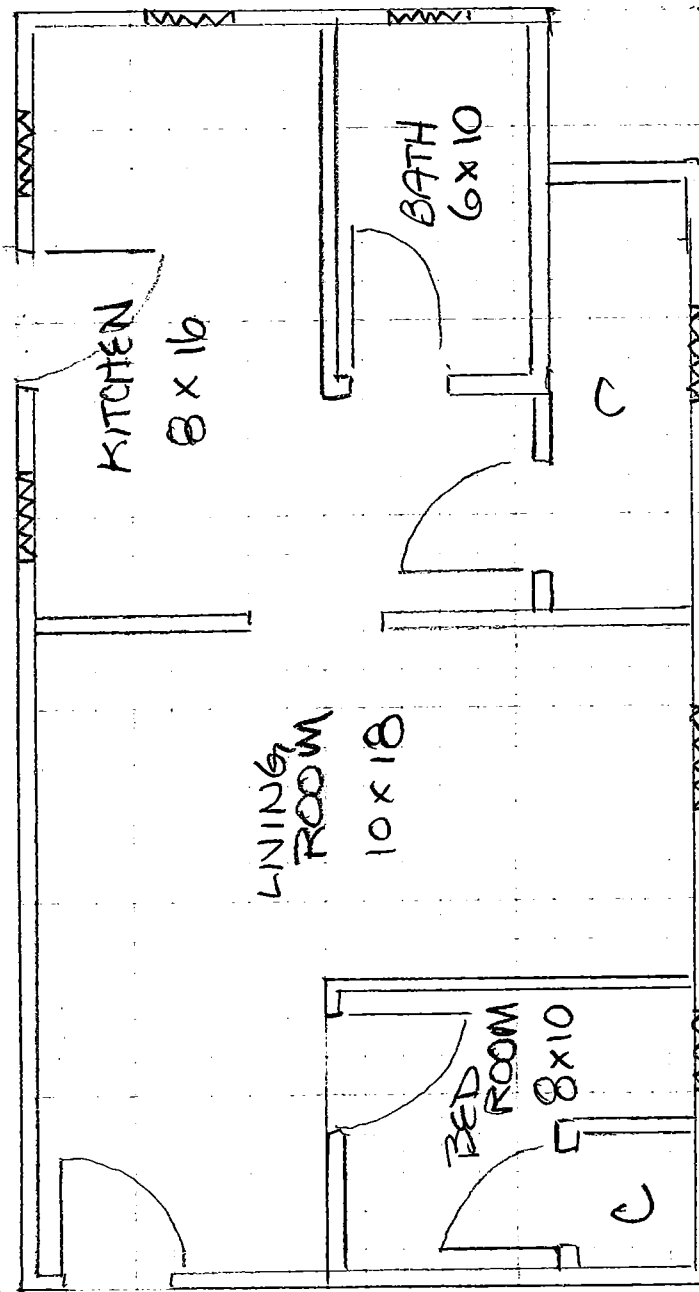
FLOOR ONE



FLOOR TWO



APPROX. 624 SQUARE FEET

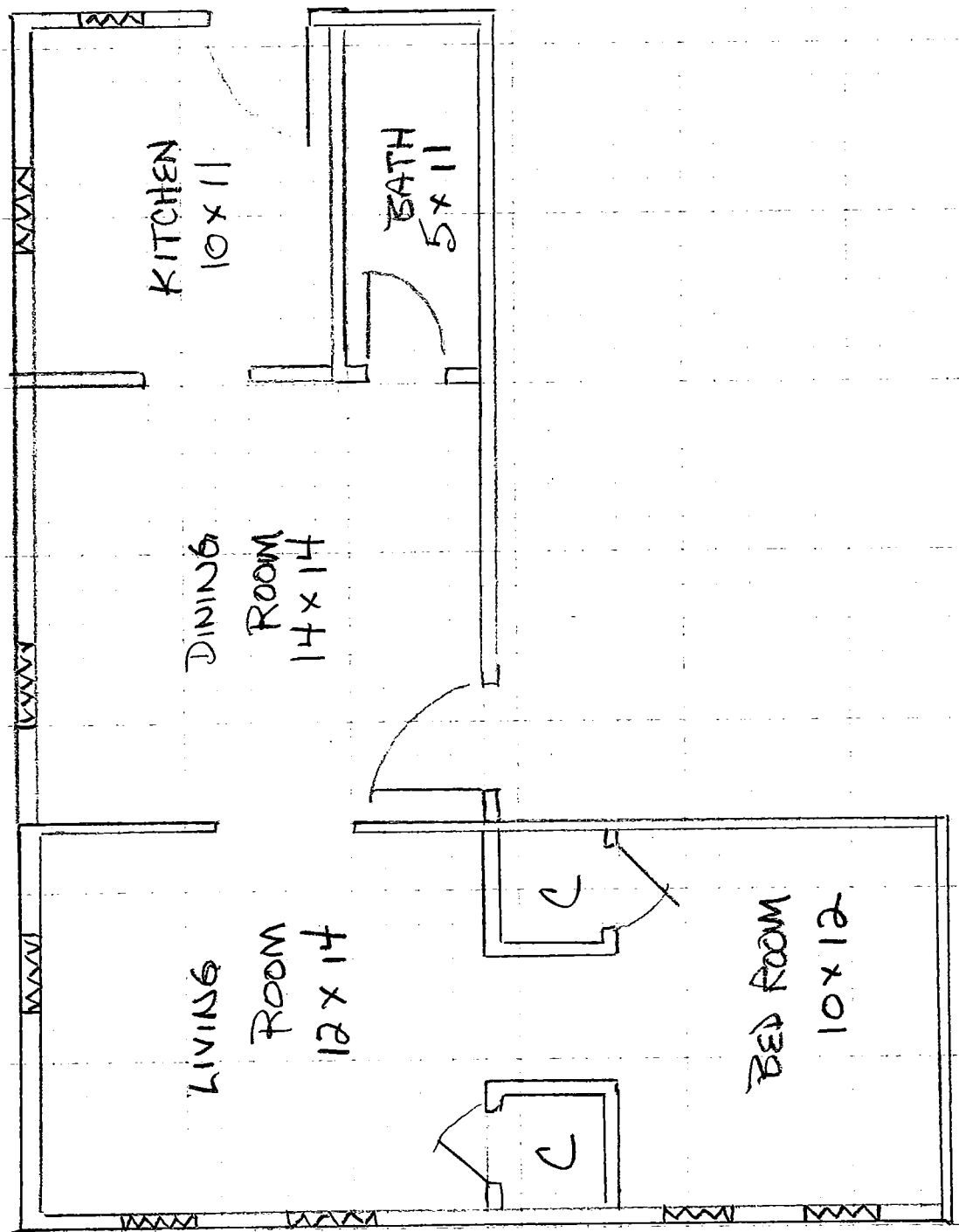


UNIT 2

LOWER LEVEL SOUTH

SCALE: 1 INCH = 5 FEET

APPROX. 592 SQUARE FEET

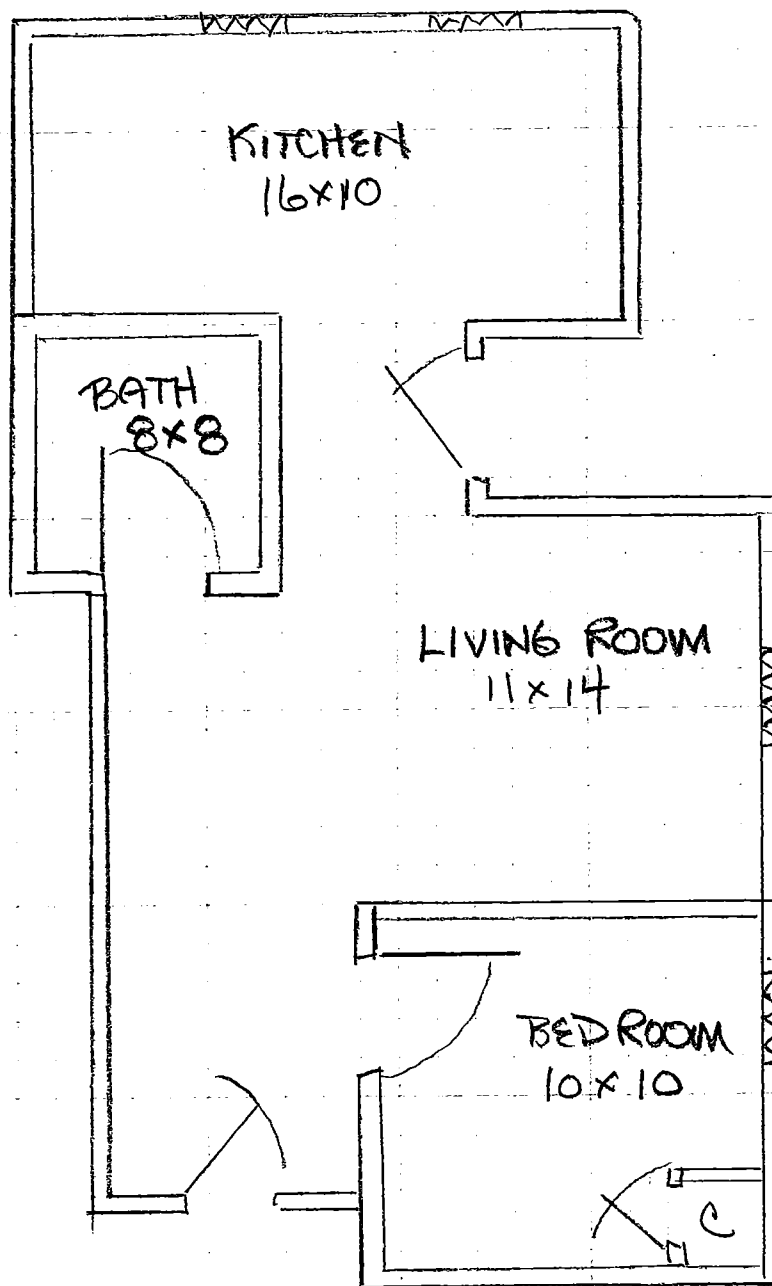


UNIT 3

UPPER LEVEL NORTH

SCALE: 1 INCH = 5 FEET

APPROX. 672 SQUARE FEET



UNIT 4

UPPER LEVEL SOUTH

SCALE: 1 INCH = 5 FEET

APPROX. 536 SQUARE FEET

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL USE PERMIT OR A NONCONFORMING USE PERMIT

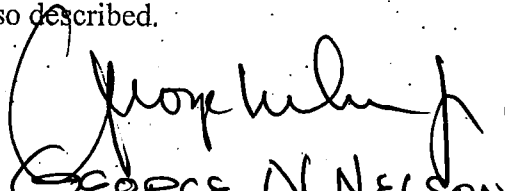
STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

TWIN CITIES R.E. PARTNERS LLC, BY

The petitioner, GEORGE NELSON, JR, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

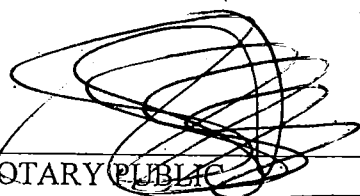

GEORGE N NELSON, JR.

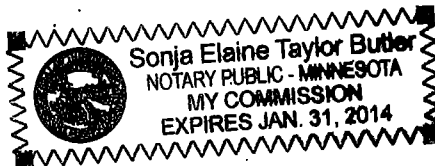
NAME

608 RIVER STREET
ADDRESS MAPLE, MN 55401

612-202-0690
TELEPHONE NUMBER

Subscribed and sworn to before me this
28th day of August, 2009


NOTARY PUBLIC



ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 8-14-09

DATE PETITION RESUBMITTED: 8-20-09

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: 8-25-09

PARCELS ELIGIBLE: 13

PARCELS ELIGIBLE: 13

PARCELS REQUIRED: 9

PARCELS REQUIRED: 9

PARCELS SIGNED: 7

PARCELS SIGNED: 10

CHECKED BY: Paul Dubruel

DATE: 8-18-09

8-25-09

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A
NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of TWIN CITIES REAL ESTATE PARTNERS LLC
(name of applicant)

to establish a FOUR UNIT BUILDING
(proposed use)

located at 1112 ALBEMARLE AVE
(address of property)

RECEIVED
AUG 20 2009

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1126 ALBEMARLE	JOSEPH A PINSKI		
HARVEY REDISKE			
1110 ALBEMARLE	HARVEY REDISKE	<i>Harvey Rediske</i>	8-19-09
1122 ALBEMARLE	TYREE L COBB JR.	<i>Tyree Cobb</i>	8-19-09
YVONNE			
1118 ALBEMARLE	YVONNE J. JACOB		
1109 ALBEMARLE	GWYN HULTQUIST	<i>Gwyn Hultquist</i>	8-20-09
	ANDY HULTQUIST		

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of TWINCITIES REAL ESTATE PARTNERS LLC,
(name of applicant)

to establish a 4 unit Building
(proposed use)

located at 1112 Albemarle Avenue
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1109 Albemarle	Gwyn M. Hultquist		
	Andy M. Hultquist		
1115 Albemarle	Roland A. Weber	Roland Weber	08-04-09
	Virginia L. Weber	Virginia Weber	8-04-09
1123 Albemarle	Brandon D. Davis	Brandon D. Davis	8-4-09
1121 Albemarle	Twin Cities Real Estate Partners, LLC	George Hultquist	8.4.09
1112 Albemarle	Twin Cities Real Estate Partners, LLC	George Hultquist	8.4.09

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of TWIN CITIES REAL ESTATE PARTNERS LLC,
(name of applicant)

to establish a 4 UNIT BUILDING
(proposed use)

located at 1112 ALBEMARLE AVENUE
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1126 Albemarle	Joseph A. Pinski Judy	Judy Pinski	8/4/09
1122 Albemarle	Tyree L Cobb, Jr.		
1118 Albemarle	Yvonne J. Jallow		
1195 Woodbridge	Jerome J. Roering Prescilla Roering		
1106 Albemarle	Bao Vang Lee Lee		
1110 Albemarle	Itvey Rediski		

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of TWIN CITIES REAL ESTATE PARTNERS LLC,
(name of applicant)

to establish a 4 UNIT BUILDING
(proposed use)

located at 1112 ALBEMARLE AVENUE
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1126 Albemarle	Joseph A. Pinski Judy	Judy Pinski	8/4/09
1122 Albemarle	Tyree L Cobb, Jr.		
1118 Albemarle	Yvonne J. Jallow		
1195 Woodbridge	Jerome J. Roering Prescilla Roering		
1106 Albemarle	Bao Vang Lee Lee	X Bao Vang Lee	8.13.09
1110 Albemarle	Itzrey Rediski		

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

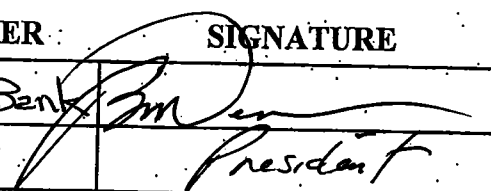
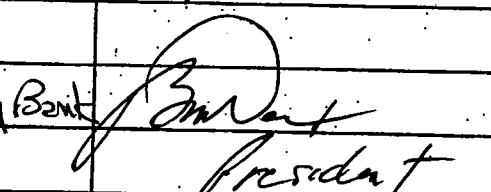
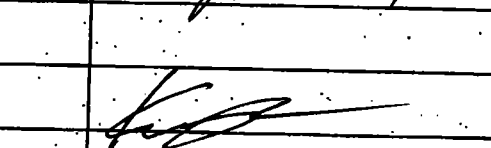
A copy of the application of TWIN CITIES REAL ESTATE PARTNERS LLC
(name of applicant)

to establish a 4 UNIT BUILDING
(proposed use)

located at 1112 ALBEMARLE AVENUE
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1125 Rice St. 25-29-23-11-0083	Prime Security Bank	 President	8/14/09
Rice St. 25-29-23-11-0199	Prime Security Bank	 President	8/14/09
1115 Rice St.	KAO Xiong		8.13.09

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.



District 6 Planning Council

213 Front Avenue
Saint Paul, MN 55117
651-488-4485 fax: 651-488-0343
district6@qwestoffice.net

July 30, 2009

Patricia James
Principal City Planner
Department of Economic Development
25 West 4th Street Suite 1400
Saint Paul, MN 55102

Re: 1112 Albemarle

On July 28, 2009, District 6 Planning Council's Land Use Task Force discussed the proposal to reinstate the Conditional Use Permit allowing the above property to be used as a 4-plex. We understand that Leg. Code 62.109(e) requires reversion to conforming use. We recommend that the conditional use be maintained in this case for the following reasons:

1. The property has been extensively rehabbed and its condition dramatically improved in the time that it has been vacant.
2. Due to the aforementioned improvements, the adequacy of the square footage, and professional new management, the conditional use is not expected to negatively impact the neighborhood.
3. While the property could be put to effective economic use as a conforming duplex, it would require a substantial investment in renovation to remove certain duplicate elements (i.e. kitchens, bathrooms) that are now consistent with a four-plex. In the context of the degree and caliber of renovations and improvements already made to the property, requiring such work is not necessary in this case.
4. The finished square footage of the property is ample for the intended conditional use. Given the other improvements made to the property, it is arguably more suitable for the conditional use now than it was when the original permit was in place.

If you have any questions or concerns, District 6 Planning Council can be reached at (651) 488-4485.

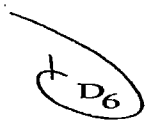
Please contact the office if you have questions.

Regards,

Jeff Martens

Jeff Martens
Land Use Chairman

cc: Councilmember Lee Helgen. George Nelson, Sparc



District 6 Planning Council

213 Front Avenue
Saint Paul, MN 55117
651-488-4485 fax: 651-488-0343
district6@qwestoffice.net

July 30, 2009

Twin Cities Real Estate Partners

Re: 1112 Albemarle

On July 28, 2009, District 6 Planning Council's Land Use Task Force discussed the proposal to reinstate the Conditional Use Permit allowing the above property to be used as a four-plex.

The Task Force has endorsed reinstating the conditional use permit due in part to the extensive renovations and improvements made to the property, as well as its ample size for the intended use. On balance we believe the property as an improved and renovated four-plex is a net improvement to the neighborhood.

If you have any questions or concerns, District 6 Planning Council can be reached at (651) 488-4485.

Please contact the office if you have questions.

Regards,

Jeff Martens

Jeff Martens
Land Use Chairman

An Affirmative Action Equal Opportunity Employer

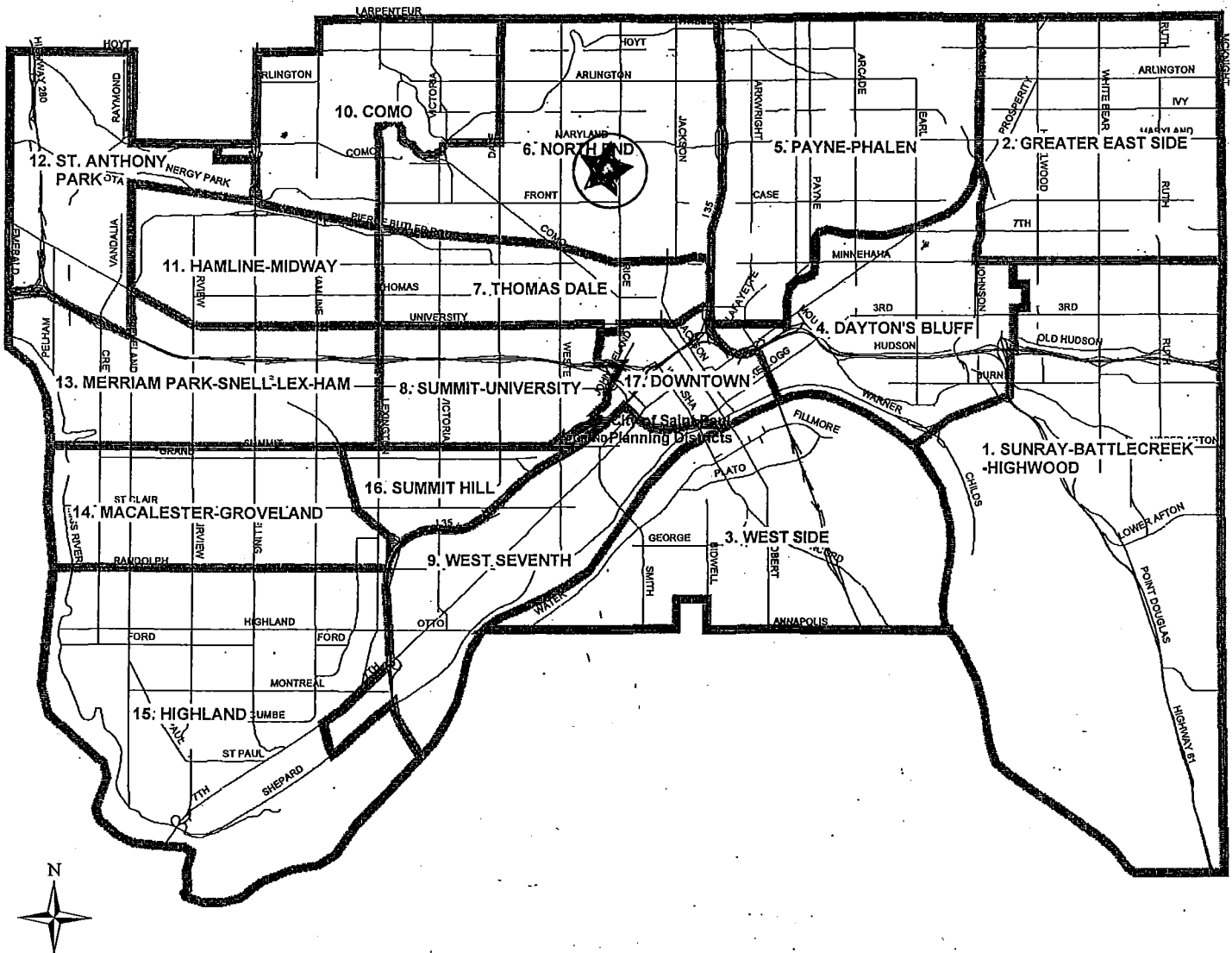


View of 1112 Albemarle, taken from ally, facing west.



View of 1112 Albemarle, taken from Albemarle facing east.

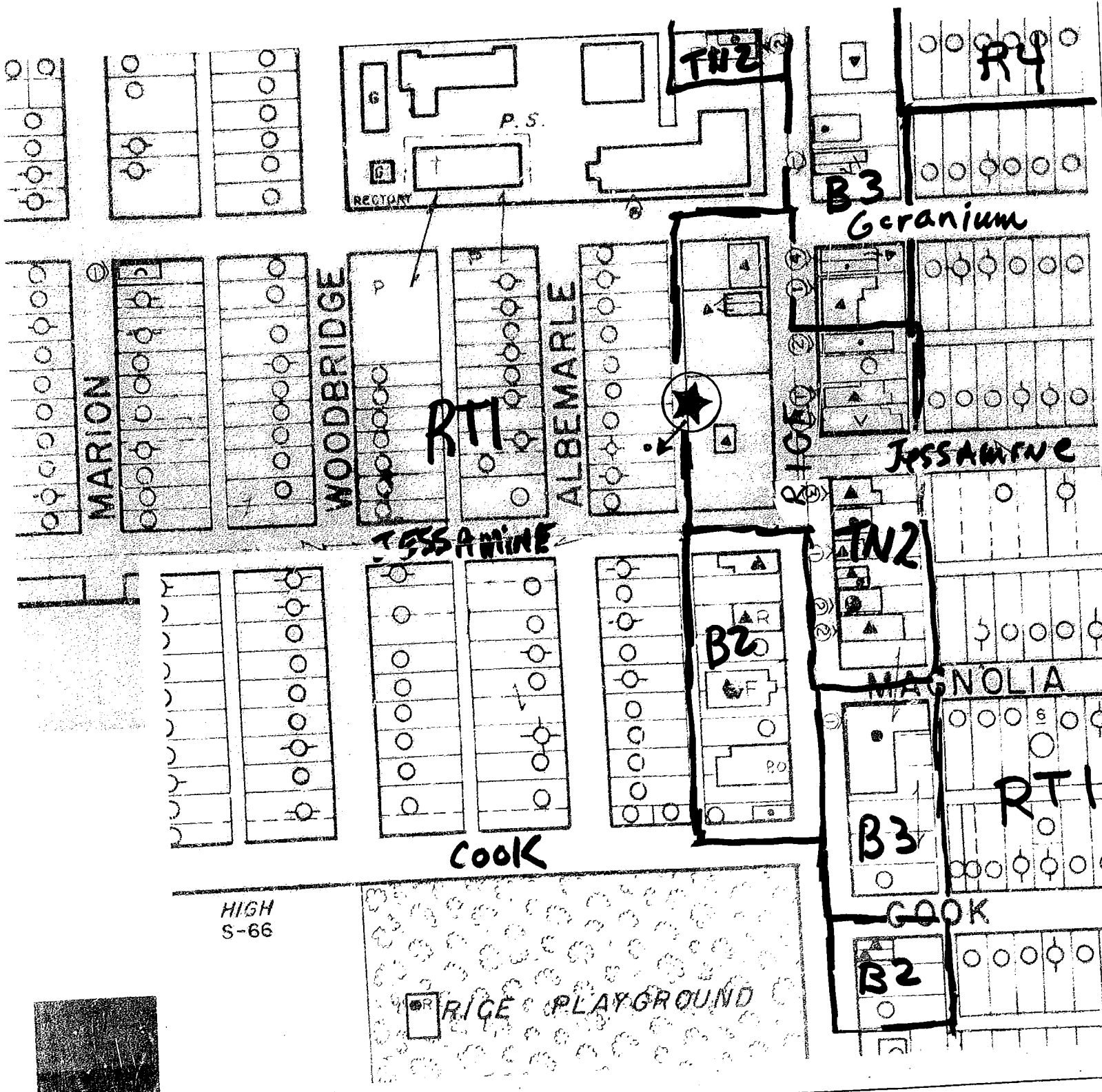
CITIZEN PARTICIPATION DISTRICTS



CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#09-259976



APPLICANT Twin Cities Real Estate
 PURPOSE REEST - NCUP
 FILE # 09-259976 DATE 08-25-09
 PLNG. DIST 6 MAP # 4+12



LEGEND

zoning district boundary
 subject property

one family
 two family
 multiple family

north
 commercial
 industrial
 vacant